Article - Criminal Law

§1–101.

(a) In this article the following words have the meanings indicated.

(b) "Correctional facility" has the meaning stated in § 1-101 of the Correctional Services Article.

(c) "Counterfeit" means to forge, counterfeit, materially alter, or falsely make.

(d) "County" means a county of the State or Baltimore City.

(e) "Inmate" has the meaning stated in § 1-101 of the Correctional Services Article.

(f) "Local correctional facility" has the meaning stated in § 1-101 of the Correctional Services Article.

(g) "Minor" means an individual under the age of 18 years.

(h) "Person" means an individual, sole proprietorship, partnership, firm, association, corporation, or other entity.

(i) "State" means:

(1) a state, possession, territory, or commonwealth of the United States; or

(2) the District of Columbia.

(j) "State correctional facility" has the meaning stated in § 1-101 of the Correctional Services Article.

§1–201.

The punishment of a person who is convicted of an attempt to commit a crime may not exceed the maximum punishment for the crime attempted.

§1–202.

The punishment of a person who is convicted of conspiracy may not exceed the maximum punishment for the crime that the person conspired to commit.

§1–203.

An indictment or warrant for conspiracy is sufficient if it substantially states:

"(name of defendant) and (name of co-conspirator) on (date) in (county) unlawfully conspired together to murder (name of victim) (or other object of conspiracy), against the peace, government, and dignity of the State.".

§1–301.

(a) Unless otherwise provided by law and except as provided in subsection (b) of this section, a person who is convicted of being an accessory after the fact to a felony is guilty of a felony and on conviction is subject to the lesser of:

(1) imprisonment not exceeding 5 years; or

(2) a penalty not exceeding the maximum penalty provided by law for committing the underlying felony.

(b) (1) A person who is convicted of being an accessory after the fact to murder in the first degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

(2) A person who is convicted of being an accessory after the fact to murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

§1–401.

In a trial for counterfeiting, issuing, disposing of, passing, altering, stealing, embezzling, or destroying any kind of instrument, or theft by the obtaining of property by false pretenses, it is sufficient to prove that the defendant did the act charged with an intent to defraud without proving an intent by the defendant to defraud a particular person.

§2–101.

(a) In this title the following words have the meanings indicated.

(b) "Imprisonment for life without the possibility of parole" means imprisonment for the natural life of an inmate under the custody of a correctional facility.

(c) (1) "Vessel" means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(2) "Vessel" does not include a seaplane.

§2–102.

A prosecution may be instituted for murder, manslaughter, or unlawful homicide, whether at common law or under this title, regardless of the time that has elapsed between the act or omission that caused the death of the victim and the victim's death.

§2–103.

(a) For purposes of a prosecution under this title, "viable" has the meaning stated in § 20–209 of the Health – General Article.

(b) Except as provided in subsections (d) through (f) of this section, a prosecution may be instituted for murder or manslaughter of a viable fetus.

(c) A person prosecuted for murder or manslaughter as provided in subsection (b) of this section must have:

(1) intended to cause the death of the viable fetus;

(2) intended to cause serious physical injury to the viable fetus; or

(3) wantonly or recklessly disregarded the likelihood that the person's actions would cause the death of or serious physical injury to the viable fetus.

(d) Nothing in this section applies to or infringes on a woman's right to terminate a pregnancy as stated in § 20–209 of the Health – General Article.

(e) Nothing in this section subjects a physician or other licensed medical professional to liability for fetal death that occurs in the course of administering lawful medical care.

(f) Nothing in this section applies to an act or failure to act of a pregnant woman with regard to her own fetus.

(g) Nothing in this section shall be construed to confer personhood or any rights on the fetus.

§2–201.

(a) A murder is in the first degree if it is:

(1) a deliberate, premeditated, and willful killing;

(2) committed by lying in wait;

(3) committed by poison; or

(4) committed in the perpetration of or an attempt to perpetrate:

(i) arson in the first degree;

(ii) burning a barn, stable, tobacco house, warehouse, or other outbuilding that:

1. is not parcel to a dwelling; and

2. contains cattle, goods, wares, merchandise, horses, grain, hay, or tobacco;

(iii) burglary in the first, second, or third degree;

(iv) carjacking or armed carjacking;

(v) escape in the first degree from a State correctional facility or a local correctional facility;

(vi) kidnapping under § 3–502 or § 3–503(a)(2) of this article;

(vii) mayhem;

(viii) rape;

(ix) robbery under § 3–402 or § 3–403 of this article;

(x) sexual offense in the first or second degree;

(xi) sodomy; or

(xii) a violation of § 4–503 of this article concerning destructive devices.

(b) (1) A person who commits a murder in the first degree is guilty of a felony and on conviction shall be sentenced to:

(i) imprisonment for life without the possibility of parole; or

(ii) imprisonment for life.

(2) Unless a sentence of imprisonment for life without the possibility of parole is imposed in compliance with § 2–203 of this subtitle and § 2–304 of this title, the sentence shall be imprisonment for life.

(c) A person who solicits another or conspires with another to commit murder in the first degree is guilty of murder in the first degree if the death of another occurs as a result of the solicitation or conspiracy.

§2–203.

A defendant found guilty of murder in the first degree may be sentenced to imprisonment for life without the possibility of parole only if:

(1) at least 30 days before trial, the State gave written notice to the defendant of the State's intention to seek a sentence of imprisonment for life without the possibility of parole; and

(2) the sentence of imprisonment for life without the possibility of parole is imposed in accordance with § 2-304 of this title.

§2–204.

(a) A murder that is not in the first degree under § 2–201 of this subtitle is in the second degree.

(b) A person who commits a murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 40 years.

§2–205.

A person who attempts to commit murder in the first degree is guilty of a felony and on conviction is subject to imprisonment not exceeding life.

§2–206.

A person who attempts to commit murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

§2–207.

(a) A person who commits manslaughter is guilty of a felony and on conviction is subject to:

(1) imprisonment not exceeding 10 years; or

(2) imprisonment in a local correctional facility not exceeding 2 years or a fine not exceeding $500 or both.

(b) The discovery of one's spouse engaged in sexual intercourse with another does not constitute legally adequate provocation for the purpose of mitigating a killing from the crime of murder to voluntary manslaughter even though the killing was provoked by that discovery.

§2–208.

(a) An indictment for murder or manslaughter is sufficient if it substantially states:

"(name of defendant) on (date) in (county) feloniously (willfully and with deliberately premeditated malice) killed (and murdered) (name of victim) against the peace, government, and dignity of the State.".

(b) An indictment for murder or manslaughter, or for being an accessory to murder or manslaughter, need not set forth the manner or means of death.

§2–209.

(a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

(c) A violation of this section is manslaughter by vehicle or vessel.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211

of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

(e) (1) An indictment or other charging document for manslaughter by vehicle or vessel is sufficient if it substantially states:

"(name of defendant) on (date) in (county) killed (name of victim) in a grossly negligent manner against the peace, government, and dignity of the State.".

(2) An indictment or other charging document for manslaughter by vehicle or vessel need not set forth the manner or means of death.

§2–210.

(a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive, engine, and train.

(b) A person may not cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a criminally negligent manner.

(c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when:

(1) the person should be aware, but fails to perceive, that the person's conduct creates a substantial and unjustifiable risk that such a result will occur; and

(2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person.

(d) It is not a violation of this section for a person to cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a negligent manner.

(e) A violation of this section is criminally negligent manslaughter by vehicle or vessel.

(f) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

§2–302.

When a court or jury finds a person guilty of murder, the court or jury shall state in the verdict whether the person is guilty of murder in the first degree or murder in the second degree.

§2–304.

(a) If the State gave notice under § 2–203(1) of this title, the court shall conduct a separate sentencing proceeding as soon as practicable after the defendant is found guilty of murder in the first degree to determine whether the defendant shall be sentenced to imprisonment for life without the possibility of parole or to imprisonment for life.

(b) (1) A determination by a jury to impose a sentence of imprisonment for life without the possibility of parole must be unanimous.

(2) If the jury finds that a sentence of imprisonment for life without the possibility of parole shall be imposed, the court shall impose a sentence of imprisonment for life without the possibility of parole.

(3) If, within a reasonable time, the jury is unable to agree to imposition of a sentence of imprisonment for life without the possibility of parole, the court shall impose a sentence of imprisonment for life.

§2–305.

The Court of Appeals may adopt:

(1) rules of procedure to govern the conduct of sentencing proceedings under § 2–304 of this subtitle; and

(2) forms for a court or jury to use in making written findings and sentence determinations.

§2–501.

In this subtitle, "under the influence of alcohol per se" means an alcohol concentration at the time of testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

§2–502.

(a) For purposes of determining alcohol concentration under this subtitle, if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(b) The presumptions and evidentiary rules of §§ 10-302, 10-306, 10-307, and 10-308 of the Courts Article apply to a person charged under this subtitle.

§2–503.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while:

(1) under the influence of alcohol; or

(2) under the influence of alcohol per se.

(b) A violation of this section is:

(1) homicide by motor vehicle or vessel while under the influence of alcohol; or

(2) homicide by motor vehicle or vessel while under the influence of alcohol per se.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or §3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

§2–504.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while impaired by alcohol.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by alcohol.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–505, § 2–506, or §3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

§2–505.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by drugs.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–506, or §3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

(d) It is not a defense to a charge of violating this section that the person is or was entitled under the laws of this State to use a drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug, combination of drugs, or combination of one or more drugs and alcohol would make the person incapable of driving, operating, or controlling a motor vehicle or vessel in a safe manner.

§2–506.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance, as defined in § 5–101 of this article.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by a controlled dangerous substance.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

(d) This section does not apply to a person who is entitled to use the controlled dangerous substance under the laws of this State.

§2–507.

(a) An indictment, information, or other charging document for a crime under this subtitle is sufficient if it substantially states:

(1) "(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while under the influence of alcohol by killing (name of victim) against the peace, government, and dignity of the State.";

(2) "(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while under the influence of alcohol per se by killing (name of victim) against the peace, government, and dignity of the State.";

(3) "(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by alcohol by killing (name of victim) against the peace, government, and dignity of the State.";

(4) "(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by drugs by killing (name of victim) against the peace, government, and dignity of the State."; or

(5) "(name of defendant) on (date) in (county) committed homicide by motor vehicle or vessel while impaired by a controlled dangerous substance by killing (name of victim) against the peace, government, and dignity of the State.".

(b) An indictment, information, or other charging document for a crime under this subtitle need not set forth the manner or means of death.

§2–508.

The clerk of the court shall notify the Motor Vehicle Administration of each person convicted under this subtitle of a crime involving a motor vehicle.

§3–101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Licensed health care professional" means a duly licensed or certified:

(1) physician;

(2) surgeon;

(3) podiatrist;

(4) osteopath;

(5) osteopathic physician;

(6) osteopathic surgeon;

(7) physician assistant;

(8) registered nurse;

(9) licensed practical nurse;

(10) nurse practitioner;

(11) dentist;

(12) pharmacist; or

(13) emergency medical services provider, in accordance with § 13-516 of the Education Article.

(c) "Suicide" means the act or instance in which an individual intentionally takes the individual's own life.

§3–101.1.

(a) Attempted suicide is not a crime in the State.

(b) This section may not be construed to prohibit a person who commits one or more crimes in the course of attempting to commit suicide from being charged with the other crime or crimes.

§3–102.

With the purpose of assisting another individual to commit or attempt to commit suicide, an individual may not:

(1) by coercion, duress, or deception, knowingly cause another individual to commit suicide or attempt to commit suicide;

(2) knowingly provide the physical means by which another individual commits or attempts to commit suicide with knowledge of that individual's intent to use the physical means to commit suicide; or

(3) knowingly participate in a physical act by which another individual commits or attempts to commit suicide.

§3–103.

(a) A licensed health care professional does not violate § 3-102 of this subtitle by administering or prescribing a procedure or administering, prescribing, or dispensing a medication to relieve pain, even if the medication or procedure may hasten death or increase the risk of death, unless the licensed health care professional knowingly administers or prescribes the procedure or administers, prescribes, or dispenses the medication to cause death.

(b) A licensed health care professional does not violate § 3-102 of this subtitle by withholding or withdrawing a medically administered life-sustaining procedure:

(1) in compliance with Title 5, Subtitle 6 of the Health - General Article; or

(2) in accordance with reasonable medical practice.

(c) (1) Unless the family member knowingly administers a procedure or administers or dispenses a medication to cause death, a family member does not violate § 3-102 of this subtitle if the family member:

(i) is a caregiver for a patient enrolled in a licensed hospice program; and

(ii) administers the procedure or administers or dispenses the medication to relieve pain under the supervision of a health care professional.

(2) Paragraph (1) of this subsection applies even if the medication or procedure hastens death or increases the risk of death.

§3–104.

An individual who violates this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $10,000 or both.

§3–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Assault" means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings.

(c) (1) "Law enforcement officer" has the meaning stated in § 3–101(e)(1) of the Public Safety Article without application of § 3–101(e)(2).

(2) "Law enforcement officer" includes:

(i) a correctional officer at a correctional facility; and

(ii) an officer employed by the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified in § 10–204 of the Transportation Article.

(d) "Serious physical injury" means physical injury that:

(1) creates a substantial risk of death; or

(2) causes permanent or protracted serious:

(i) disfigurement;

(ii) loss of the function of any bodily member or organ; or

(iii) impairment of the function of any bodily member or organ.

§3–202.

(a) (1) A person may not intentionally cause or attempt to cause serious physical injury to another.

(2) A person may not commit an assault with a firearm, including:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this article;

(ii) an assault pistol, as defined in § 4-301 of this article;

(iii) a machine gun, as defined in § 4-401 of this article; and

(iv) a regulated firearm, as defined in § 5-101 of the Public Safety Article.

(b) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.

§3–203.

(a) A person may not commit an assault.

(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $2,500 or both.

(c) (1) In this subsection, "physical injury" means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is:

(i) a law enforcement officer engaged in the performance of the officer's official duties;

(ii) a parole or probation agent engaged in the performance of the agent's official duties; or

(iii) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services.

(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

§3–204.

(a) A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another; or

(2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.

(b) A person who violates this section is guilty of the misdemeanor of reckless endangerment and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(c) (1) Subsection (a)(1) of this section does not apply to conduct involving:

(i) the use of a motor vehicle, as defined in § 11-135 of the Transportation Article; or

(ii) the manufacture, production, or sale of a product or commodity.

(2) Subsection (a)(2) of this section does not apply to:

(i) a law enforcement officer or security guard in the performance of an official duty; or

(ii) an individual acting in defense of a crime of violence as defined in § 5-101 of the Public Safety Article.

§3–205.

(a) An inmate may not maliciously cause or attempt to cause an employee of a State correctional facility, a local correctional facility, or a sheriff's office, regardless of employment capacity, to come into contact with:

(1) seminal fluid, urine, or feces; or

(2) blood, if the contact with the blood is not the result of physical injury resulting from physical body contact between the inmate and the employee.

(b) An inmate who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $2,500 or both.

(c) A sentence imposed under this section shall be consecutive to any sentence that the inmate was serving at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

(d) A sentence imposed under this section may not be suspended.

§3–206.

(a) An indictment, information, other charging document, or warrant for a crime described in § 3-202, § 3-203, or § 3-205 of this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county) assaulted (name of victim) in the ..... degree or (describe other violation) in violation of (section violated) against the peace, government, and dignity of the State.".

(b) If the general form of indictment or information described in subsection (a) of this section is used to charge a crime described in § 3-202, § 3-203, or § 3-205 of this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

(c) A charge of assault in the first degree also charges a defendant with assault in the second degree.

(d) (1) To be found guilty of reckless endangerment under § 3-204 of this subtitle, a defendant must be charged specifically with reckless endangerment.

(2) A charging document for reckless endangerment under § 3-204 of this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county) committed reckless endangerment in violation of § 3-204 of the Criminal Law Article against the peace, government, and dignity of the State.".

(3) If more than one individual is endangered by the conduct of the defendant, a separate charge may be brought for each individual endangered.

(4) A charging document containing a charge of reckless endangerment under § 3-204 of this subtitle may:

(i) include a count for each individual endangered by the conduct of the defendant; or

(ii) contain a single count based on the conduct of the defendant, regardless of the number of individuals endangered by the conduct of the defendant.

(5) If the general form of charging document described in paragraph (2) of this subsection is used to charge reckless endangerment under § 3-204 of this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

§3–207.

(a) On a pretrial motion of the State, a court may dismiss a charge of assault if:

(1) the victim and the defendant agree to the dismissal; and

(2) the court considers the dismissal proper.

(b) The defendant shall pay the costs that would have been incurred if the defendant had been found guilty.

§3–208.

Expert testimony is admissible to prove, but is not required to prove, serious physical injury.

§3–209.

A person charged with a crime under § 3-202, § 3-203, § 3-204, or § 3-205 of this subtitle may assert any judicially recognized defense.

§3–210.

(a) An inmate convicted of assault under this subtitle on another inmate or on an employee of a State correctional facility, a local correctional facility, or a sheriff's office, regardless of employment capacity, shall be sentenced under this section.

(b) A sentence imposed under this section shall be consecutive to any sentence that the inmate was serving at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

(c) A sentence imposed under this section may not be suspended.

§3–211.

(a) (1) In this section the following words have the meanings indicated.

(2) "Under the influence of alcohol per se" means having an alcohol concentration at the time of testing of at least 0.08 as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3) (i) "Vessel" means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(ii) "Vessel" does not include a seaplane.

(b) (1) For purposes of determining alcohol concentration under this section, if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(2) The presumptions and evidentiary rules of §§ 10–302, 10–306, 10–307, and 10–308 of the Courts Article apply to a person charged under this section.

(c) (1) A person may not cause a life–threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(d) (1) A person may not cause a life–threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while impaired by alcohol.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $3,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(e) (1) A person may not cause a life–threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while impaired by drugs.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $3,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(f) (1) This subsection does not apply to a person who is entitled to use the controlled dangerous substance under the laws of the State.

(2) A person may not cause a life–threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5–101 of this article.

(3) A violation of this subsection is life–threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(g) For the purposes of application of subsequent offender penalties under subsection (c), (d), (e), or (f) of this section, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

§3–212.

(a) An indictment, information, or other charging document for a crime described in § 3-211 of this subtitle is sufficient if it substantially states:

(1) "(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while under the influence of alcohol, in violation of § 3-211(c)(1)(i) of the Criminal Law Article against the peace, government, and dignity of the State.";

(2) "(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while under the influence of alcohol per se, in violation of § 3-211(c)(1)(ii) of the Criminal Law Article against the peace, government, and dignity of the State.";

(3) "(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while impaired by alcohol, in violation of § 3-211(d) of the Criminal Law Article against the peace, government, and dignity of the State.";

(4) "(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while impaired by drugs, in violation of § 3-211(e) of the Criminal Law Article against the peace, government, and dignity of the State."; or

(5) "(name of defendant) on (date) in (county) caused a life-threatening injury to (name of victim) while impaired by a controlled dangerous substance, in violation of § 3-211(f) of the Criminal Law Article against the peace, government, and dignity of the State.".

(b) An indictment, information, or other charging document for a crime described in § 3-211 of this subtitle need not set forth the manner or means of the life-threatening injury.

§3–213.

(a) A person may not attempt to poison another.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

§3–214.

(a) A person may not knowingly and willfully contaminate, attempt to contaminate, or conspire to contaminate the water of a source or tributary of a water supply, including the waters of a well, spring, brook, lake, pond, stream, river, or reservoir by adding disease germs, bacteria, poison, or poisonous matter, if the water supply is used or is usable for drinking or domestic purposes.

(b) A person may not knowingly and willfully contaminate, attempt to contaminate, or conspire to contaminate any drink, food, food product, or food supply by adding disease germs, bacteria, poison, or poisonous matter.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

§3–215.

(a) In this section, "bodily fluid" means seminal fluid, blood, urine, or feces.

(b) A person may not knowingly and willfully cause another to ingest bodily fluid:

(1) without consent; or

(2) by force or threat of force.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $2,500 or both.

§3–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Mentally incapacitated individual" means an individual who, because of the influence of a drug, narcotic, or intoxicating substance, or because of an act committed on the individual without the individual's consent or awareness, is rendered substantially incapable of:

(1) appraising the nature of the individual's conduct; or

(2) resisting vaginal intercourse, a sexual act, or sexual contact.

(c) "Physically helpless individual" means an individual who:

(1) is unconscious; or

(2) (i) does not consent to vaginal intercourse, a sexual act, or sexual contact; and

(ii) is physically unable to resist, or communicate unwillingness to submit to, vaginal intercourse, a sexual act, or sexual contact.

(d) (1) "Sexual act" means any of the following acts, regardless of whether semen is emitted:

(i) analingus;

(ii) cunnilingus;

(iii) fellatio;

(iv) anal intercourse, including penetration, however slight, of the anus; or

(v) an act:

1. in which an object or part of an individual's body penetrates, however slightly, into another individual's genital opening or anus; and

2. that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

(2) "Sexual act" does not include:

(i) vaginal intercourse; or

(ii) an act in which an object or part of an individual's body penetrates an individual's genital opening or anus for an accepted medical purpose.

(e) (1) "Sexual contact", as used in §§ 3–307, 3–308, and 3–314 of this subtitle, means an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

(2) "Sexual contact" does not include:

(i) a common expression of familial or friendly affection; or

(ii) an act for an accepted medical purpose.

(f) "Substantially cognitively impaired individual" means an individual who suffers from an intellectual disability or a mental disorder, either of which temporarily or permanently renders the individual substantially incapable of:

(1) appraising the nature of the individual's conduct;

(2) resisting vaginal intercourse, a sexual act, or sexual contact; or

(3) communicating unwillingness to submit to vaginal intercourse, a sexual act, or sexual contact.

(g) (1) "Vaginal intercourse" means genital copulation, whether or not semen is emitted.

(2) "Vaginal intercourse" includes penetration, however slight, of the vagina.

§3–302.

In this subtitle an undefined word or phrase that describes an element of common-law rape retains its judicially determined meaning, except to the extent it is expressly or impliedly changed in this subtitle.

§3–303.

(a) A person may not:

(1) (i) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; or

(ii) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3–503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(c) A person 18 years of age or older may not violate subsection (a) of this section involving a victim who is a child under the age of 13 years.

(d) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates subsection (a) or (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section, or § 3–305 of this subtitle as it existed before October 1, 2017.

(4) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (c) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment for not less than 25 years and not exceeding life without the possibility of parole.

(ii) A court may not suspend any part of the mandatory minimum sentence of 25 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (e) of this section, the mandatory minimum sentence shall not apply.

(e) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for not less than 25 years under subsection (d)(4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

§3–304.

(a) A person may not engage in vaginal intercourse or a sexual act with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment for not less than 15 years and not exceeding life.

(ii) A court may not suspend any part of the mandatory minimum sentence of 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum sentence shall not apply.

(d) If the State intends to seek a sentence of imprisonment for not less than 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

§3–307.

(a) A person may not:

(1) (i) engage in sexual contact with another without the consent of the other; and

(ii) 1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

3. threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or

4. commit the crime while aided and abetted by another;

(2) engage in sexual contact with another if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual;

(3) engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim;

(4) engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or

(5) engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.

(b) A person who violates this section is guilty of the felony of sexual offense in the third degree and on conviction is subject to imprisonment not exceeding 10 years.

§3–308.

(a) In this section, "person in a position of authority":

(1) means a person who:

(i) is at least 21 years old;

(ii) is employed by or under contract with a public or private preschool, elementary school, or secondary school; and

(iii) because of the person's position or occupation, exercises supervision over a minor who attends the school; and

(2) includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school.

(b) A person may not engage in:

(1) sexual contact with another without the consent of the other;

(2) except as provided in § 3–307(a)(4) of this subtitle, a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 4 years older than the victim; or

(3) except as provided in § 3–307(a)(5) of this subtitle, vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 4 years older than the victim.

(c) (1) Except as provided in § 3–307(a)(4) of this subtitle or subsection (b)(2) of this section, a person in a position of authority may not engage in a sexual act or sexual contact with a minor who, at the time of the sexual act or sexual contact, is a student enrolled at a school where the person in a position of authority is employed.

(2) Except as provided in § 3–307(a)(5) of this subtitle or subsection (b)(3) of this section, a person in a position of authority may not engage in vaginal intercourse with a minor who, at the time of the vaginal intercourse, is a student enrolled at a school where the person in a position of authority is employed.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(2) (i) On conviction of a violation of this section, a person who has been convicted on a prior occasion not arising from the same incident of a violation of § 3–303, § 3–304, §§ 3–307 through 3–310 of this subtitle, § 3–311 or § 3–312 of this subtitle as the sections existed before October 1, 2017, § 3–315 of this subtitle, or § 3–602 of this title is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(ii) If the State intends to proceed against a person under subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

§3–309.

(a) A person may not attempt to commit rape in the first degree.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding life.

§3–310.

(a) A person may not attempt to commit rape in the second degree.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

§3–313.

(a) On conviction of a violation of § 3–304, § 3–306, § 3–307, § 3–310, or § 3–312 of this subtitle, a person is subject to imprisonment not exceeding life if the person has been convicted on a prior occasion not arising from the same incident:

(1) of any violation of § 3–303, § 3–304, § 3–305, or § 3–306 of this subtitle as the sections existed before October 1, 2017; or

(2) in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute a violation of § 3–303, § 3–304, § 3–305, or § 3–306 of this subtitle as the sections existed before October 1, 2017.

(b) If the State intends to proceed against a person under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

§3–314.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Correctional employee" means a:

1. correctional officer, as defined in § 8–201 of the Correctional Services Article; or

2. managing official or deputy managing official of a correctional facility.

(ii) "Correctional employee" includes a sheriff, warden, or other official who is appointed or employed to supervise a correctional facility.

(3) "Court–ordered services provider" means a person who provides services to an individual who has been ordered by the court, the Division of Parole and Probation, or the Department of Juvenile Services to obtain those services.

(4) (i) "Inmate" has the meaning stated in § 1–101 of this article.

(ii) "Inmate" includes an individual confined in a community adult rehabilitation center.

(5) "Law enforcement officer" has the meaning stated in § 3–101 of the Public Safety Article.

(b) (1) This subsection applies to:

(i) a correctional employee;

(ii) any other employee of the Department of Public Safety and Correctional Services or a correctional facility;

(iii) an employee of a contractor providing goods or services to the Department of Public Safety and Correctional Services or a correctional facility; and

(iv) any other individual working in a correctional facility, whether on a paid or volunteer basis.

(2) A person described in paragraph (1) of this subsection may not engage in sexual contact, vaginal intercourse, or a sexual act with an inmate.

(c) A person may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual confined in a child care institution licensed by the Department of Juvenile Services, a detention center for juveniles, or a facility for juveniles listed in § 9–226(b) of the Human Services Article.

(d) A court–ordered services provider may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual ordered to obtain services while the order is in effect.

(e) A law enforcement officer may not engage in sexual contact, vaginal intercourse, or a sexual act with a person in the custody of the law enforcement officer.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $3,000 or both.

(g) A sentence imposed for a violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime under § 3–303, § 3–304, or §§ 3–307 through 3–310 of this subtitle, or § 3–305, § 3–306, § 3–311, or § 3–312 of this subtitle as the sections existed before October 1, 2017.

§3–315.

(a) A person may not engage in a continuing course of conduct which includes three or more acts that would constitute violations of § 3–303, § 3–304, or § 3–307 of this subtitle, or violations of § 3–305 or § 3–306 of this subtitle as the sections existed before October 1, 2017, over a period of 90 days or more, with a victim who is under the age of 14 years at any time during the course of conduct.

(b) (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(2) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence under § 3–602 of this title.

(c) In determining whether the required number of acts occurred in violation of this section, the trier of fact:

(1) must determine only that the required number of acts occurred; and

(2) need not determine which acts constitute the required number of acts.

(d) (1) A person may not be charged with a violation of § 3–303, § 3–304, or § 3–307 of this subtitle involving the same victim in the same proceeding as a violation of this section unless the other violation charged occurred outside the time period charged under this section.

(2) A person may not be charged with a violation of § 3–303, § 3–304, or § 3–307 of this subtitle involving the same victim unless the violation charged occurred outside the time period charged under this section.

(e) For purposes of prosecution under this section, violations of subsection (a) of this section that occur in separate periods of 90 days or more shall be considered separate violations.

§3–316.

If a person is transported with the intent to violate a provision of § 3–303, § 3–304, §§ 3–307 through 3–310, § 3–314, or § 3–315 of this subtitle, and the intent is followed by actual violation of a provision of § 3–303, § 3–304, §§ 3–307 through 3–310, § 3–314, or § 3–315 of this subtitle, the defendant may be tried in the appropriate court in a county where the transportation was offered, solicited, begun, continued, or ended.

§3–317.

(a) An indictment, information, or warrant for a crime under § 3–303, § 3–304, §§ 3–307 through 3–310, or § 3–314 of this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county) committed a rape or sexual offense on (name of victim) in violation of (section violated) against the peace, government, and dignity of the State.".

(b) In a case in which the general form of indictment, information, or warrant described in subsection (a) of this section is used, the defendant is entitled to a bill of particulars specifically setting forth the allegations against the defendant.

§3–318.

(a) Except as provided in subsections (b) and (c) of this section, a person may not be prosecuted under § 3-303, § 3-304, § 3-307, or § 3-308 of this subtitle for a crime against a victim who was the person's legal spouse at the time of the alleged rape or sexual offense.

(b) A person may be prosecuted under § 3-303(a), § 3-304(a)(1), or § 3-307(a)(1) of this subtitle for a crime against the person's legal spouse if:

(1) at the time of the alleged crime the person and the person's legal spouse have lived apart, without cohabitation and without interruption:

(i) under a written separation agreement executed by the person and the spouse; or

(ii) for at least 3 months immediately before the alleged rape or sexual offense; or

(2) the person in committing the crime uses force or threat of force and the act is without the consent of the spouse.

(c) A person may be prosecuted under § 3-303, § 3-304, § 3-307, or § 3-308 of this subtitle for a crime against the person's legal spouse if at the time of the alleged crime the person and the spouse live apart, without cohabitation and without interruption, under a decree of limited divorce.

§3–319.

(a) Evidence relating to a victim's reputation for chastity or abstinence and opinion evidence relating to a victim's chastity or abstinence may not be admitted in a prosecution for:

(1) a crime specified under this subtitle or a lesser included crime;

(2) the sexual abuse of a minor under § 3-602 of this title or a lesser included crime; or

(3) the sexual abuse of a vulnerable adult under § 3-604 of this title or a lesser included crime.

(b) Evidence of a specific instance of a victim's prior sexual conduct may be admitted in a prosecution described in subsection (a) of this section only if the judge finds that:

(1) the evidence is relevant;

(2) the evidence is material to a fact in issue in the case;

(3) the inflammatory or prejudicial nature of the evidence does not outweigh its probative value; and

(4) the evidence:

(i) is of the victim's past sexual conduct with the defendant;

(ii) is of a specific instance of sexual activity showing the source or origin of semen, pregnancy, disease, or trauma;

(iii) supports a claim that the victim has an ulterior motive to accuse the defendant of the crime; or

(iv) is offered for impeachment after the prosecutor has put the victim's prior sexual conduct in issue.

(c) (1) Evidence described in subsection (a) or (b) of this section may not be referred to in a statement to a jury or introduced in a trial unless the court has first held a closed hearing and determined that the evidence is admissible.

(2) The court may reconsider a ruling excluding the evidence and hold an additional closed hearing if new information is discovered during the course of the trial that may make the evidence admissible.

§3–319.1.

(a) Evidence of physical resistance by the victim is not required to prove that a crime under this subtitle was committed.

(b) The provisions of subsection (a) of this section may not be construed to affect the admissibility of evidence of actual physical resistance by the victim.

§3–320.

In a criminal prosecution under § 3–303, § 3–304, §§ 3–307 through 3–310, § 3–314, or § 3–315 of this subtitle, a judge may not instruct the jury:

(1) to examine the testimony of the prosecuting witness with caution, solely because of the nature of the charge;

(2) that the charge is easily made or difficult to disprove, solely because of the nature of the charge; or

(3) to follow another similar instruction, solely because of the nature of the charge.

§3–321.

A person who is convicted of sodomy is guilty of a felony and is subject to imprisonment not exceeding 10 years.

§3–322.

(a) A person may not:

(1) take the sexual organ of another or of an animal in the person's mouth;

(2) place the person's sexual organ in the mouth of another or of an animal; or

(3) commit another unnatural or perverted sexual practice with another or with an animal.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $1,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

(d) An indictment for a violation of this section:

(1) is sufficient if it states that the defendant committed an unnatural and perverted sexual practice with a person or animal as applicable; but

(2) need not state the particular:

(i) unnatural or perverted sexual practice with which the defendant is charged; or

(ii) manner in which the defendant committed the unnatural or perverted sexual practice.

§3–323.

(a) A person may not knowingly engage in vaginal intercourse with anyone whom the person may not marry under § 2-202 of the Family Law Article.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 1 year and not exceeding 10 years.

§3–324.

(a) In this section, "solicit" means to command, authorize, urge, entice, request, or advise a person by any means, including:

(1) in person;

(2) through an agent or agency;

(3) over the telephone;

(4) through any print medium;

(5) by mail;

(6) by computer or Internet; or

(7) by any other electronic means.

(b) A person may not, with the intent to commit a violation of § 3–304, § 3–306, or § 3–307 of this subtitle or § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3–304, § 3–306, or § 3–307 of this subtitle or § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article.

(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

(1) originated in the State; or

(2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both.

§3–325.

(a) (1) In this section the following words have the meanings indicated.

(2) "Personal identifying information" has the meaning stated in § 8–301 of this article.

(3) "Sexual crime" means an act that would constitute a violation of this subtitle, § 3–602 of this title, § 3–902 of this title, or Title 11 of this article.

(b) A person may not use the personal identifying information or identity of an individual without consent to invite, encourage, or solicit another to commit a sexual crime against the individual.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both.

(d) (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

(e) Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.

§3–401.

(a) In this subtitle the following words have the meanings indicated.

(b) "Deprive" means to withhold property of another:

(1) permanently;

(2) for a period that results in the appropriation of a part of the property's value;

(3) with the purpose to restore it only on payment of a reward or other compensation; or

(4) to dispose of the property or use or deal with the property in a manner that makes it unlikely that the owner will recover it.

(c) "Obtain" means:

(1) in relation to property, to bring about a transfer of interest in or possession of the property; and

(2) in relation to a service, to secure the performance of the service.

(d) (1) "Property" means anything of value.

(2) "Property" includes:

(i) real estate;

(ii) money;

(iii) a commercial instrument;

(iv) an admission or transportation ticket;

(v) a written instrument representing or embodying rights concerning anything of value, or services, or anything otherwise of value to the owner;

(vi) a thing growing on, affixed to, or found on land, or that is part of or affixed to any building;

(vii) electricity, gas, and water;

(viii) a bird, animal, or fish that ordinarily is kept in a state of confinement;

(ix) food or drink;

(x) a sample, culture, microorganism, or specimen;

(xi) a record, recording, document, blueprint, drawing, map, or a whole or partial copy, description, photograph, prototype, or model of any of them;

(xii) an article, material, device, substance, or a whole or partial copy, description, photograph, prototype, or model of any of them that represents evidence of, reflects, or records a secret:

1. scientific, technical, merchandising, production, or management information; or

2. designed process, procedure, formula, invention, trade secret, or improvement;

(xiii) a financial instrument; and

(xiv) information, electronically produced data, and a computer software or program in a form readable by machine or individual.

(e) "Robbery" retains its judicially determined meaning except that:

(1) robbery includes obtaining the service of another by force or threat of force; and

(2) robbery requires proof of intent to withhold property of another:

(i) permanently;

(ii) for a period that results in the appropriation of a part of the property's value;

(iii) with the purpose to restore it only on payment of a reward or other compensation; or

(iv) to dispose of the property or use or deal with the property in a manner that makes it unlikely that the owner will recover it.

(f) "Service" includes:

(1) labor or professional service;

(2) telecommunication, public utility, toll facility, or transportation service;

(3) lodging, entertainment, or restaurant service; and

(4) the use of computers, data processing, or other equipment.

§3–402.

(a) A person may not commit or attempt to commit robbery.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years.

§3–403.

(a) A person may not commit or attempt to commit robbery under § 3-402 of this subtitle:

(1) with a dangerous weapon; or

(2) by displaying a written instrument claiming that the person has possession of a dangerous weapon.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

§3–404.

(a) An indictment, information, warrant, or other charging document for robbery is sufficient if it substantially states:

"(name of defendant) on (date) in (county) did feloniously rob (name of victim) of (property/service) (having a value of $1,000 or more) (with a dangerous weapon) in violation of (section violated) against the peace, government, and dignity of the State.".

(b) If a charging document alleges that the value of the property or service subject to this subtitle is $1,000 or more, the court shall instruct the jury to determine whether the value of the property or service is less than $1,000, or $1,000 or more.

(c) Unless a charging document alleges that the value of the property or service subject to this subtitle is $1,000 or more, a felony violation of § 7–104 of this article is not a lesser included crime of robbery.

§3–405.

(a) In this section, "motor vehicle" has the meaning stated in § 11-135 of the Transportation Article.

(b) (1) An individual may not take unauthorized possession or control of a motor vehicle from another individual who actually possesses the motor vehicle, by force or violence, or by putting that individual in fear through intimidation or threat of force or violence.

(2) A violation of this subsection is carjacking.

(c) (1) A person may not employ or display a dangerous weapon during the commission of a carjacking.

(2) A violation of this subsection is armed carjacking.

(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(e) A sentence imposed under this section may be separate from and consecutive to a sentence for any other crime that arises from the conduct underlying the carjacking or armed carjacking.

(f) It is not a defense under this section that the defendant did not intend to permanently deprive the owner or possessor of the motor vehicle.

§3–501.

In this subtitle, "home or usual place of abode" includes the real property appurtenant to the home or place of abode.

§3–502.

(a) A person may not, by force or fraud, carry or cause a person to be carried in or outside the State with the intent to have the person carried or concealed in or outside the State.

(b) A person who violates this section is guilty of the felony of kidnapping and on conviction is subject to imprisonment not exceeding 30 years.

(c) Kidnapping does not include the act of a parent in carrying a minor child of that parent in or outside the State.

§3–503.

(a) (1) A person may not, without color of right:

(i) forcibly abduct, take, or carry away a child under the age of 12 years from:

1. the home or usual place of abode of the child; or

2. the custody and control of the child's parent or legal guardian;

(ii) without the consent of the child's parent or legal guardian, persuade or entice a child under the age of 12 years from:

1. the child's home or usual place of abode; or

2. the custody and control of the child's parent or legal guardian; or

(iii) with the intent of depriving the child's parent or legal guardian, or any person lawfully possessing the child, of the custody, care, and control of the child, knowingly secrete or harbor a child under the age of 12 years.

(2) In addition to the prohibitions provided under paragraph (1) of this subsection, a person may not, by force or fraud, kidnap, steal, take, or carry away a child under the age of 16 years.

(b) (1) A person who violates subsection (a)(1) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Except as provided under subparagraph (ii) of this paragraph, a person, other than a parent of the child, who violates subsection (a)(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

(ii) 1. If a person convicted under subsection (a)(2) of this section is convicted in the same proceeding of rape or a first degree sexual offense under Subtitle 3 of this title, the person is guilty of a felony and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

2. If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsubparagraph 1 of this subparagraph, the State shall notify the person in writing of the State's intent at least 30 days before trial.

§3–601.

(a) (1) In this section the following words have the meanings indicated.

(2) "Abuse" means physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the minor's health or welfare is harmed or threatened by the treatment or act.

(3) "Family member" means a relative of a minor by blood, adoption, or marriage.

(4) "Household member" means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.

(5) "Severe physical injury" means:

(i) brain injury or bleeding within the skull;

(ii) starvation; or

(iii) physical injury that:

1. creates a substantial risk of death; or

2. causes permanent or protracted serious:

A. disfigurement;

B. loss of the function of any bodily member or organ; or

C. impairment of the function of any bodily member or organ.

(b) (1) A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor that:

(i) results in the death of the minor; or

(ii) causes severe physical injury to the minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the first degree and on conviction is subject to:

(i) imprisonment not exceeding 25 years;

(ii) if the violation results in the death of a victim at least 13 years old, imprisonment not exceeding 40 years; or

(iii) if the violation results in the death of a victim under the age of 13 years, imprisonment not exceeding life.

(c) A person who violates this section after being convicted of a previous violation of this section is guilty of a felony and on conviction is subject to:

(1) imprisonment not exceeding 25 years; or

(2) if the violation results in the death of the victim, imprisonment not exceeding life.

(d) (1) (i) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor.

(ii) A household member or family member may not cause abuse to a minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the second degree and on conviction is subject to imprisonment not exceeding 15 years.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

§3–601.1.

(a) (1) A person may not commit a crime of violence as defined in § 5–101 of the Public Safety Article when the person knows or reasonably should know that a minor who is at least 2 years old is present in a residence.

(2) For the purposes of paragraph (1) of this subsection, a minor is present if the minor is within sight or hearing of the crime of violence.

(b) A person who violates this section is subject to imprisonment not exceeding 5 years in addition to any other sentence imposed for the crime of violence.

(c) A court may impose an enhanced penalty under subsection (b) of this section if:

(1) at least 30 days before trial in the circuit court, and 15 days before trial in the District Court, the State's Attorney notifies the defendant in writing of the State's intention to seek the enhanced penalty; and

(2) the elements of subsection (a)(1) of this section have been proven beyond a reasonable doubt.

(d) If the defendant is charged by indictment or criminal information, the State may include the notice required under subsection (c)(1) of this section in the indictment or information.

(e) An enhanced penalty imposed under this section shall be separate from and consecutive to a sentence for any crime based on the act establishing the violation of this section.

§3–602.

(a) (1) In this section the following words have the meanings indicated.

(2) "Family member" has the meaning stated in § 3-601 of this subtitle.

(3) "Household member" has the meaning stated in § 3-601 of this subtitle.

(4) (i) "Sexual abuse" means an act that involves sexual molestation or exploitation of a minor, whether physical injuries are sustained or not.

(ii) "Sexual abuse" includes:

1. incest;

2. rape;

3. sexual offense in any degree;

4. sodomy; and

5. unnatural or perverted sexual practices.

(b) (1) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause sexual abuse to the minor.

(2) A household member or family member may not cause sexual abuse to a minor.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for:

(1) any crime based on the act establishing the violation of this section; or

(2) a violation of § 3-601 of this subtitle involving an act of abuse separate from sexual abuse under this section.

§3–602.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Family member" has the meaning stated in § 3–601 of this subtitle.

(3) "Household member" has the meaning stated in § 3–601 of this subtitle.

(4) "Mental injury" means the substantial impairment of a minor's mental or psychological ability to function.

(5) (i) "Neglect" means the intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor's physical health or a substantial risk of mental injury to the minor.

(ii) "Neglect" does not include the failure to provide necessary assistance and resources for the physical needs or mental health of a minor when the failure is due solely to a lack of financial resources or homelessness.

(b) A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not neglect the minor.

(c) A person who violates this section is guilty of the misdemeanor of child neglect and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(d) A sentence imposed under this section shall be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical.

§3–602.2.

(a) A person who is required to provide notice of suspected abuse or neglect of a child or make a written report of suspected abuse or neglect of a child under § 5–704 of the Family Law Article may not knowingly fail to provide the required notice or make the required written report if the person has actual knowledge of the abuse or neglect.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $10,000 or imprisonment not exceeding 3 years or both.

(c) This section applies only to a failure to report child abuse or neglect that occurs during the time the child is a minor.

§3–603.

(a) A person may not sell, barter, or trade, or offer to sell, barter, or trade, a minor for money, property, or anything else of value.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both for each violation.

§3–604.

(a) (1) In this section and §§ 3-605 and 3-606 of this subtitle the following words have the meanings indicated.

(2) (i) "Abuse" means the sustaining of physical pain or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the vulnerable adult's health or welfare is harmed or threatened.

(ii) "Abuse" includes the sexual abuse of a vulnerable adult.

(iii) "Abuse" does not include an accepted medical or behavioral procedure ordered by a health care provider authorized to practice under the Health Occupations Article or § 13-516 of the Education Article acting within the scope of the health care provider's practice.

(3) "Caregiver" means a person under a duty to care for a vulnerable adult because of a contractual undertaking to provide care.

(4) "Family member" means a relative of a vulnerable adult by blood, marriage, adoption, or the marriage of a child.

(5) "Household" means the location:

(i) in which the vulnerable adult resides;

(ii) where the abuse or neglect of a vulnerable adult is alleged to have taken place; or

(iii) where the person suspected of abusing or neglecting a vulnerable adult resides.

(6) "Household member" means an individual who lives with or is a regular presence in a home of a vulnerable adult at the time of the alleged abuse or neglect.

(7) (i) "Neglect" means the intentional failure to provide necessary assistance and resources for the physical needs of a vulnerable adult, including:

1. food;

2. clothing;

3. toileting;

4. essential medical treatment;

5. shelter; or

6. supervision.

(ii) "Neglect" does not include the provision of nonmedical remedial care and treatment for the healing of injury or disease that is:

1. given with the consent of the vulnerable adult; and

2. recognized by State law in place of medical treatment.

(8) "Serious physical injury" means physical injury that:

(i) creates a substantial risk of death; or

(ii) causes permanent or protracted serious:

1. disfigurement;

2. loss of the function of any bodily member or organ; or

3. impairment of the function of any bodily member or organ.

(9) (i) "Sexual abuse" means an act that involves sexual molestation or exploitation of a vulnerable adult.

(ii) "Sexual abuse" includes:

1. incest;

2. rape;

3. sexual offense in any degree;

4. sodomy; and

5. unnatural or perverted sexual practices.

(10) "Vulnerable adult" means an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

(b) (1) A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult that:

(i) results in the death of the vulnerable adult;

(ii) causes serious physical injury to the vulnerable adult; or

(iii) involves sexual abuse of the vulnerable adult.

(2) A household member or family member may not cause abuse or neglect of a vulnerable adult that:

(i) results in the death of the vulnerable adult;

(ii) causes serious physical injury to the vulnerable adult; or

(iii) involves sexual abuse of the vulnerable adult.

(c) A person who violates this section is guilty of the felony of abuse or neglect of a vulnerable adult in the first degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(d) A sentence imposed under this section shall be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical.

§3–605.

(a) This section does not apply to abuse that involves sexual abuse of a vulnerable adult.

(b) (1) A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult.

(2) A household member or family member may not cause abuse or neglect of a vulnerable adult.

(c) A person who violates this section is guilty of the misdemeanor of abuse or neglect of a vulnerable adult in the second degree and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(d) A sentence imposed under this section shall be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical.

§3–606.

If a State or local unit receives a report of present or past abuse or neglect of a vulnerable adult, an investigation shall be conducted in accordance with:

(1) § 7-1005 of the Health - General Article if the adult has a developmental disability as defined in § 7-101 of the Health - General Article;

(2) § 10-705 of the Health - General Article if the adult is in a facility as defined in § 10-101 of the Health - General Article;

(3) § 19-346 or § 19-347 of the Health - General Article if the adult is a resident of a related institution as defined in § 19-301 of the Health - General Article; and

(4) §§ 14-301 through 14-309 of the Family Law Article if the adult does not meet the criteria of item (1), (2), or (3) of this section.

§3–607.

(a) A person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

(c) The implied or express consent of a student to hazing is not a defense under this section.

§3–608.

(a) In this section, "missing child" means a minor whose whereabouts are unknown to a parent or other person who has permanent care and custody or responsibility for the supervision of the minor.

(b) Except as provided in subsection (c) of this section, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor under the age of 13 years may not recklessly or willfully fail to notify the appropriate law enforcement agency that the minor is a missing child within 24 hours of the time at which the parent or other person knew or should have known that the minor is a missing child.

(c) This section does not apply if the fact that the minor is a missing child has already been reported to the appropriate law enforcement agency.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.

§3–609.

(a) Unless the death of a minor has already been reported to the appropriate law enforcement agency or medical authority, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor shall report the death of the minor to the appropriate law enforcement agency or medical authority within 5 hours of becoming aware of the death.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.

§3–701.

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain, attempt to obtain, or conspire to obtain money, property, labor, services, or anything of value from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence;

(2) economic injury;

(3) destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person; or

(4) notification of law enforcement officials about another person's undocumented or illegal immigration status.

(c) (1) If the value of the property, labor, or services is at least $1,000 but less than $10,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(2) If the value of the property, labor, or services is at least $10,000 but less than $100,000, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both.

(3) If the value of the property, labor, or services is $100,000 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both.

(d) If the value of the property, labor, or services is less than $1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $1,000 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

§3–702.

(a) In this section, "political subdivision" includes a:

(1) county;

(2) municipal corporation;

(3) bicounty or multicounty agency;

(4) county board of education;

(5) public authority; or

(6) special taxing district.

(b) An officer or employee of the State or of a political subdivision may not wrongfully obtain or attempt to obtain money, property, or anything of value from a person with the person's consent, if the consent is obtained under color or pretense of office, under color of official right, or by wrongful use of actual or threatened force or violence.

(c) If the value of the property is at least $1,000 but less than $10,000, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(d) If the value of the property is at least $10,000 but less than $100,000, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $15,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(e) If the value of the property is $100,000 or more, a person who violates this section:

(1) is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both; and

(2) notwithstanding any pardon, shall be barred permanently from employment by the State or by a political subdivision.

(f) If the value of the property is less than $1,000, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

(g) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

§3–703.

(a) An officer or employee of the State or of a county, municipal corporation, bicounty agency, or multicounty agency may not, by force, intimidation, or threat, induce a person employed in work financed wholly or partly by the State or by a county, municipal corporation, bicounty agency, or multicounty agency to give up any compensation to which the person is entitled under a contract or otherwise.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(c) A prosecution for a crime under this section shall be instituted within 5 years after the crime was committed.

§3–704.

(a) A person, with the intent to unlawfully extort money, property, labor, services, or anything of value from another, may not falsely accuse or threaten to falsely accuse another of a crime or of anything that, if the accusation were true, would tend to bring the other into contempt or disrepute.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§3–705.

(a) A person, with the intent to unlawfully extort money, property, labor, services, or anything of value from another, may not verbally threaten to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2) (i) cause physical injury to a person;

(ii) inflict emotional distress on a person;

(iii) cause economic damage to a person; or

(iv) cause damage to the property of a person.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§3–706.

(a) (1) This section applies to any writing, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark or designation.

(2) This section does not apply to a good faith reasonable notice of dishonor and warning of criminal prosecution under Title 8, Subtitle 1 of this article given by a holder of an instrument to the maker of the instrument.

(b) A person, with the intent to unlawfully extort money, property, or anything of value from another, may not knowingly send or deliver, or make for the purpose of being sent or delivered and part with the possession of, a writing threatening to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2) (i) cause physical injury to a person;

(ii) inflict emotional distress on a person;

(iii) cause economic damage to a person; or

(iv) cause damage to the property of a person.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§3–707.

(a) This section does not prohibit picketing in connection with a labor dispute, as defined in § 4-301 of the Labor and Employment Article.

(b) A person or group may not engage in an act or conduct solely to coerce or intimidate another person to contribute or donate any money, goods, materials, or services to a social, economic, or political association or organization.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $100 or both.

(2) Each day on which a violation of this section occurs is a separate violation.

§3–708.

(a) (1) In this section the following words have the meanings indicated.

(2) "Local official" means an individual serving in a publicly elected office of a local government unit, as defined in § 10–101 of the State Government Article.

(3) (i) "State official" has the meaning stated in § 5–101 of the General Provisions Article.

(ii) "State official" includes the Governor, Governor–elect, Lieutenant Governor, and Lieutenant Governor–elect.

(4) "Threat" includes:

(i) an oral threat; or

(ii) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.

(b) A person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State official, a local official, a deputy State's Attorney, an assistant State's Attorney, or an assistant Public Defender.

(c) A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a threat prohibited under subsection (b) of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

§3–709.

(a) (1) In this section the following words have the meanings indicated.

(2) "Intimate parts" has the meaning stated in § 3–809 of this title.

(3) "Sexual activity" has the meaning stated in § 3–809 of this title.

(b) A person may not cause another to:

(1) engage in an act of sexual activity by threatening to:

(i) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute;

(ii) cause physical injury to a person;

(iii) inflict emotional distress on a person;

(iv) cause economic damage to a person; or

(v) cause damage to the property of a person; or

(2) engage as a subject in the production of a visual representation or performance that depicts the other with the other's intimate parts exposed or engaging in or simulating an act of sexual activity by threatening to:

(i) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute;

(ii) cause physical injury to a person;

(iii) inflict emotional distress on a person;

(iv) cause economic damage to a person; or

(v) cause damage to the property of a person.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

(e) A visual representation depicting a victim that is part of a court record for a case arising from a prosecution under this section:

(1) subject to item (2) of this subsection, may not be made available for public inspection; and

(2) except as otherwise ordered by the court, may only be made available for inspection in relation to a criminal charge under this section to:

(i) court personnel;

(ii) a jury in a criminal case brought under this section;

(iii) the State's Attorney or the State's Attorney's designee;

(iv) the Attorney General or the Attorney General's designee;

(v) a law enforcement officer;

(vi) the defendant or the defendant's attorney; or

(vii) the victim or the victim's attorney.

§3–801.

In this subtitle, "course of conduct" means a persistent pattern of conduct, composed of a series of acts over time, that shows a continuity of purpose.

§3–802.

(a) In this section, "stalking" means a malicious course of conduct that includes approaching or pursuing another where:

(1) the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

(i) 1. of serious bodily injury;

2. of an assault in any degree;

3. of rape or sexual offense as defined by §§ 3–303 through 3–308 of this title or attempted rape or sexual offense in any degree;

4. of false imprisonment; or

5. of death; or

(ii) that a third person likely will suffer any of the acts listed in item (i) of this item; or

(2) the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another.

(b) The provisions of this section do not apply to conduct that is:

(1) performed to ensure compliance with a court order;

(2) performed to carry out a specific lawful commercial purpose; or

(3) authorized, required, or protected by local, State, or federal law.

(c) A person may not engage in stalking.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.

§3–803.

(a) A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other:

(1) with the intent to harass, alarm, or annoy the other;

(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(3) without a legal purpose.

(b) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding $500 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding $1,000 or both.

§3–804.

(a) A person may not use telephone facilities or equipment to make:

(1) an anonymous call that is reasonably expected to annoy, abuse, torment, harass, or embarrass another;

(2) repeated calls with the intent to annoy, abuse, torment, harass, or embarrass another; or

(3) a comment, request, suggestion, or proposal that is obscene, lewd, lascivious, filthy, or indecent.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $500 or both.

§3–805.

(a) (1) In this section the following words have the meanings indicated.

(2) "Electronic communication" means the act of transmitting any information, data, writing, image, or communication by the use of a computer or any other electronic means, including a communication that involves the use of e–mail, an instant messaging service, an Internet website, a social media application, a network call, a facsimile machine, or any other Internet–based communication tool.

(3) "Electronic conduct" means the use of a computer or a computer network to:

(i) build a fake social media profile;

(ii) pose as another, including a fictitious person in an electronic communication;

(iii) disseminate or encourage others to disseminate information concerning the sexual activity, as defined in § 3–809 of this subtitle, of a minor;

(iv) disseminate a real or doctored image of a minor;

(v) engage or encourage others to engage in the repeated, continuing, or sustained use of electronic communication to contact a minor;

(vi) make a statement to provoke a third party to stalk or harass a minor; or

(vii) subscribe a minor to a pornographic website.

(4) "Instant messaging service" means a computer service allowing two or more users to communicate with each other in real time.

(5) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

(6) "Social media application" means any program, software, or website that allows a person to become a registered user for the purpose of establishing personal relationships with one or more other users through:

(i) direct or real–time communication; or

(ii) the creation of websites or profiles capable of being viewed by the public or other users.

(7) "Social media profile" means a website or profile created using a social media application.

(b) (1) A person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another:

(i) with the intent to harass, alarm, or annoy the other;

(ii) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(iii) without a legal purpose.

(2) A person may not use an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent:

(i) to kill, injure, harass, or cause serious emotional distress to the minor; or

(ii) to place the minor in reasonable fear of death or serious bodily injury.

(3) A person may not maliciously engage in an electronic communication if:

(i) the electronic communication is part of a series of communications and has the effect of:

1. intimidating or harassing a minor; and

2. causing physical injury or serious emotional distress to a minor; and

(ii) the person engaging in the electronic communication intends to:

1. intimidate or harass the minor; and

2. cause physical injury or serious emotional distress to the minor.

(4) A person may not maliciously engage in a single significant act or course of conduct using an electronic communication if:

(i) the person's conduct, when considered in its entirety, has the effect of:

1. intimidating or harassing a minor; and

2. causing physical injury or serious emotional distress to a minor;

(ii) the person intends to:

1. intimidate or harass the minor; and

2. cause physical injury or serious emotional distress to the minor; and

(iii) in the case of a single significant act, the communication:

1. is made after receiving a reasonable warning or request to stop;

2. is sent with a reasonable expectation that the recipient would share the communication with a third party; or

3. shocks the conscience.

(5) A person may not maliciously engage in electronic conduct if:

(i) the act of electronic conduct has the effect of:

1. intimidating or harassing a minor; and

2. causing physical injury or serious emotional distress to a minor; and

(ii) the person intends to:

1. intimidate or harass the minor; and

2. cause physical injury or serious emotional distress to the minor.

(6) A person may not violate this section with the intent to induce a minor to commit suicide.

(c) It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication, if a court order directs the person to provide the information, facilities, or technical assistance:

(1) a provider of electronic communication;

(2) an officer, employee, agent, landlord, or custodian of a provider of electronic communication; or

(3) a person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic communication or to conduct surveillance of electronic communication.

(d) Subsection (b)(1) through (5) of this section does not apply to a peaceable activity:

(1) intended to express a political view or provide information to others; or

(2) conducted for a lawful purpose.

(e) (1) A person who violates subsection (b)(1), (2), (3), (4), or (5) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $10,000 or both.

(2) A person who violates subsection (b)(6) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§3–805.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Commercial electronic mail message" means an electronic message sent primarily for the purpose of commercial advertisement or promotion of:

(i) a commercial product;

(ii) a commercial service;

(iii) the content on an Internet website; or

(iv) a website operated for a commercial purpose.

(3) "Domain name" means any alphanumeric designation that is registered with or assigned by a domain name registrar, domain name registry, or other domain name registration authority as part of an electronic mail address on the Internet.

(4) "Electronic mail service provider" means any person, including an Internet service provider, that is an intermediary in sending and receiving electronic mail and that provides to the public the ability to send or receive electronic mail to or from an electronic mail account or online user account.

(5) "Financial institution" has the same meaning as provided in § 1–101 of the Financial Institutions Article.

(6) "Header information" means the source, destination, and routing information attached to an electronic mail message, including the originating domain name and originating electronic mail address, and any other information that appears in the line identifying or purporting to identify a person initiating the message, and technical information that authenticates the sender of an electronic mail message for network security or network management purposes.

(7) The term "initiate", when used with respect to a commercial electronic mail message, means to originate or transmit the message or to procure the origination or transmission of the message and does not include actions that constitute routine conveyance of such message.

(8) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

(9) "Internet protocol address" means the string of numbers by which a location on the Internet is identified by routers or other computers connected to the Internet.

(10) "Materially falsified" means altered or concealed in a manner that would impair the ability of one of the following to identify, locate, or respond to a person who initiated an electronic mail message or to investigate an alleged violation of this section:

(i) a recipient of the message;

(ii) an Internet access service processing the message on behalf of a recipient;

(iii) a person alleging a violation of this section; or

(iv) a law enforcement agency.

(11) "Multiple" means:

(i) more than 10 commercial electronic mail messages during a 24–hour period;

(ii) more than 100 commercial electronic mail messages during a 30–day period; or

(iii) more than 1,000 commercial electronic mail messages during a 1–year period.

(12) "Protected computer" means a computer used in intrastate or interstate communication.

(13) "Routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automatic technical process, of an electronic mail message for which another person has identified the recipients or provided the recipient addresses.

(b) A person may not conspire to or knowingly:

(1) use a protected computer of another to relay or retransmit multiple commercial electronic mail messages with the intent to deceive or mislead recipients or an electronic mail service provider as to the origin of the message;

(2) materially falsify header information in multiple commercial electronic mail messages and intentionally initiate the transmission of the messages;

(3) register, using information that materially falsifies the identity of the actual registrant, for 15 or more electronic mail accounts or online user

accounts or two or more domain names and intentionally initiate the transmission of multiple commercial electronic mail messages from one or any combination of accounts or domain names;

(4) falsely represent the right to use five or more Internet protocol addresses and intentionally initiate the transmission of multiple commercial electronic mail messages from the Internet protocol addresses;

(5) access a protected computer of another without authorization, and intentionally initiate the transmission of multiple electronic mail advertisements from or through the protected computer;

(6) violate item (1), (2), (3), (4), or (5) of this subsection by providing or selecting addresses to which a message was transmitted, knowing that:

(i) the electronic mail addresses of the recipients were obtained using an automated means from an Internet website or proprietary online service operated by another person; and

(ii) the website or online service included, at the time the addresses were obtained, a notice stating that the operator of the website or online service will not transfer addresses maintained by the website or online service to any other party for the purposes of initiating or enabling others to initiate electronic mail messages; or

(7) violate item (1), (2), (3), (4), or (5) of this subsection by providing or selecting electronic mail addresses of recipients obtained using an automated means that generates possible electronic mail addresses by combining names, letters, or numbers into numerous permutations.

(c) (1) A person who violates subsection (b)(1), (2), (3), (4), or (5) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) A person who violates subsection (b)(1), (2), (3), (4), or (5) of this section involving the transmission of more than 250 commercial electronic mail messages during a 24–hour period, 2,500 commercial electronic mail messages during any 30–day period, or 25,000 commercial electronic mail messages during any 1–year period is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(3) A person who violates subsection (b)(3) of this section involving 20 or more electronic mail accounts or 10 or more domain names and intentionally initiates the transmission of multiple commercial electronic mail messages from the

accounts or using the domain names is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(4) A person who violates subsection (b)(1), (2), (3), (4), or (5) of this section that causes a loss of $500 or more during any 1–year period is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(5) A person who violates subsection (b)(1), (2), (3), (4), or (5) of this section in concert with three or more other persons as the leader or organizer of the action that constitutes the violation is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(6) A person who violates subsection (b)(1), (2), (3), (4), or (5) of this section in furtherance of a felony, or who has previously been convicted of an offense under the laws of this State, another state, or under any federal law involving the transmission of multiple commercial electronic mail messages is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both.

(7) A person who violates subsection (b)(6) or (7) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

(d) In addition to any other sentence authorized by law, the court may direct that a person convicted of a violation of this section forfeit to the State:

(1) any moneys and other income, including all proceeds earned but not yet received by a defendant from a third party as a result of the defendant's violation of this section; and

(2) all computer equipment, computer software, and personal property used in connection with a violation of this section known by the owner to have been used in violation of this section.

(e) (1) An action brought under this subsection shall be commenced within 2 years after the commission of the act.

(2) The Attorney General may institute a civil action against a person who violates this section to recover a civil penalty not exceeding:

(i) $25,000 per day of violation; or

(ii) not less than $2 nor more than $8 per commercial electronic mail message initiated in violation of this section.

(3) The Attorney General may seek an injunction in a civil action to prohibit a person who has engaged in or is engaged in a violation of this section from engaging in the violation.

(4) The Attorney General may enforce criminal violations of this section.

(f) Nothing in this section shall be construed to have any effect on the lawfulness of the adoption, implementation, or enforcement by an electronic mail service provider of a policy of declining to transmit, route, relay, handle, or store certain types of electronic mail messages under any other provision of law.

§3–806.

(a) In this section, "laser pointer" means a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

(b) This section may not be construed to apply to the use of a laser pointer:

(1) for educational purposes by individuals engaged in an organized meeting or training class; or

(2) during the normal course of work or trade activities.

(c) A person may not knowingly use a laser pointer to illuminate another in a public place in a manner that harasses or endangers the other.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§3–807.

(a) In this section, "laser pointer" has the meaning stated in § 3–806 of this subtitle.

(b) This section does not apply to the use of a laser pointer:

(1) by an individual conducting research and development or flight testing for an aircraft manufacturer or the Federal Aviation Administration;

(2) by a member of the United States Department of Defense or the United States Department of Homeland Security acting in an official capacity during an activity related to research and development, flight testing, or training;

(3) by a law enforcement officer, as defined in § 3–101 of the Public Safety Article, acting in an official capacity;

(4) by an individual attempting to make the individual's location known; or

(5) by an individual attempting to give a warning signal.

(c) A person may not knowingly and willfully shine, point, or focus the beam of a laser pointer on an individual operating an aircraft.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

§3–808.

(a) A person may not file a lien or an encumbrance in a public or private record against the real or personal property of another if the person knows that the lien or encumbrance is:

(1) false; or

(2) contains or is based on a materially false, fictitious, or fraudulent statement or representation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $10,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

§3–809.

(a) (1) In this section the following words have the meanings indicated.

(2) "Distribute" means to give, sell, transfer, disseminate, publish, upload, circulate, broadcast, make available, allow access to, or engage in any other form of transmission, electronic or otherwise.

(3) "Harm" means:

(i) physical injury;

(ii) serious emotional distress; or

(iii) economic damages.

(4) "Intimate parts" means the naked genitals, pubic area, buttocks, or female nipple.

(5) "Sexual activity" means:

(i) sexual intercourse, including genital–genital, oral–genital, anal–genital, or oral–anal, whether between persons of the same or opposite sex;

(ii) sodomy under § 3–321 of this title or an unnatural or perverted sexual practice under § 3–322 of this title;

(iii) masturbation; or

(iv) sadomasochistic abuse.

(b) (1) This section does not apply to:

(i) lawful and common practices of law enforcement, the reporting of unlawful conduct, or legal proceedings; or

(ii) situations involving voluntary exposure in public or commercial settings.

(2) An interactive computer service, as defined in 47 U.S.C. § 230(f)(2), is not liable under this section for content provided by another person.

(c) A person may not knowingly distribute a visual representation of another identifiable person that displays the other person with his or her intimate parts exposed or while engaged in an act of sexual activity:

(1) with the intent to harm, harass, intimidate, threaten, or coerce the other person;

(2) (i) under circumstances in which the person knew that the other person did not consent to the distribution; or

(ii) with reckless disregard as to whether the person consented to the distribution; and

(3) under circumstances in which the other person had a reasonable expectation that the image would remain private.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $5,000 or both.

(e) A visual representation of a victim that is part of a court record for a case arising from a prosecution under this section:

(1) subject to item (2) of this subsection, may not be made available for public inspection; and

(2) except as otherwise ordered by the court, may only be made available for inspection in relation to a criminal charge under this section to:

(i) court personnel;

(ii) a jury in a criminal case brought under this section;

(iii) the State's Attorney or the State's Attorney's designee;

(iv) the Attorney General or the Attorney General's designee;

(v) a law enforcement officer;

(vi) the defendant or the defendant's attorney; or

(vii) the victim or the victim's attorney.

§3–901.

(a) (1) In this section the following words have the meanings indicated.

(2) "Private place" means a dressing room or rest room in a retail store.

(3) "Visual surveillance" means surveillance by:

(i) direct sight;

(ii) the use of mirrors;

(iii) the use of cameras; or

(iv) the use of an electronic device that can be used surreptitiously to observe an individual.

(b) This section does not apply to any otherwise lawful surveillance conducted by a law enforcement officer while performing official duties.

(c) A person may not conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of that individual.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both.

(e) It is not a defense to a prosecution under this section that the defendant owns the premises where the private place is located.

(f) (1) An individual who was under visual surveillance in violation of this section has a civil cause of action against any person who conducted or procured a person to conduct the visual surveillance.

(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees.

§3–902.

(a) (1) In this section the following words have the meanings indicated.

(2) "Camera" includes any electronic device that can be used surreptitiously to observe an individual.

(3) "Female breast" means a portion of the female breast below the top of the areola.

(4) "Private area of an individual" means the naked or undergarment–clad genitals, pubic area, buttocks, or female breast of an individual.

(5) (i) "Private place" means a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, in:

1. an office, business, or store;

2. a recreational facility;

3. a restaurant or tavern;

4. a hotel, motel, or other lodging facility;

5. a theater or sports arena;

6. a school or other educational institution;

7. a bank or other financial institution;

8. any part of a family child care home used for the care and custody of a child; or

9. another place of public use or accommodation.

(ii) "Private place" includes a tanning room, dressing room, bedroom, or restroom.

(6) (i) "Visual surveillance" means the deliberate, surreptitious observation of an individual by any means.

(ii) "Visual surveillance" includes surveillance by:

1. direct sight;

2. the use of mirrors; or

3. the use of cameras.

(iii) "Visual surveillance" does not include a casual, momentary, or unintentional observation of an individual.

(b) This section does not apply to a person who without prurient intent:

(1) conducts filming by or for the print or broadcast media;

(2) conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; or

(3) conducts visual surveillance and:

(i) holds a license issued under Title 13 or Title 19 of the Business Occupations and Professions Article; and

(ii) is acting within the scope of the person's occupation.

(c) A person may not with prurient intent conduct or procure another to conduct visual surveillance of:

(1) an individual in a private place without the consent of that individual; or

(2) the private area of an individual by use of a camera without the consent of the individual under circumstances in which a reasonable person would believe that the private area of the individual would not be visible to the public, regardless of whether the individual is in a public or private place.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(e) (1) An individual who was under visual surveillance in violation of this section has a civil cause of action against any person who conducted or procured another to conduct the visual surveillance.

(2) In an action under this subsection, the court may award actual damages and reasonable attorney's fees.

(f) This section does not affect any legal or equitable right or remedy otherwise provided by law.

(g) This section does not affect the application of § 3–901 of this subtitle.

§3–903.

(a) In this section, "camera" includes any electronic device that can be used surreptitiously to observe an individual.

(b) This section does not apply to:

(1) an adult resident of the private residence where a camera is placed;

(2) a person who places or procures another to place a camera on real property without the intent to conduct deliberate surreptitious observation of an individual inside the private residence;

(3) a person who has obtained the consent of an adult resident, or the adult resident's legal guardian, to place a camera on real property to conduct deliberate surreptitious observation of an individual inside the private residence;

(4) any otherwise lawful observation with a camera conducted by a law enforcement officer while performing official duties;

(5) filming conducted by a person by or for the print or broadcast media through use of a camera that is not secreted from view;

(6) any part of a private residence used for business purposes, including any part of a private residence used as a family child care home for the care and custody of a child;

(7) filming of a private residence by a person through use of a camera that is not located on the real property where the private residence is located; or

(8) any otherwise lawful observation with a camera of the common area of multiunit family dwellings by a person that holds a license under Title 13 or Title 19 of the Business Occupations and Professions Article, acting within the scope of the person's occupation.

(c) A person may not place or procure another to place a camera on real property where a private residence is located to conduct deliberate surreptitious observation of an individual inside the private residence.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(e) Subject to subsection (b)(1) of this section, it is not a defense to a prosecution under this section that the defendant owns the private residence.

(f) A good faith reliance on a court order is a complete defense to a civil or criminal action brought under this section.

(g) (1) An individual who was observed through the use of a camera in violation of this section has a civil cause of action against any person who placed or procured another to place the camera on the real property.

(2) In an action under this subsection, the court may award damages and reasonable attorney's fees.

(h) This section does not affect any legal or equitable right or remedy otherwise provided by law.

§3–904.

(a) The General Assembly declares that:

(1) the protection and preservation of the home is the keystone of democratic government;

(2) the public health and welfare and the good order of the community require that members of the community enjoy in their homes a feeling of well-being, tranquility, and privacy and, when absent from their homes, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes;

(3) the practice of picketing before or about residences and dwelling places causes emotional disturbance and distress to the occupants;

(4) the purpose of this practice is to harass the occupants of the residences and dwelling places;

(5) without resort to this practice, full opportunity exists, and under the provisions of this article will continue to exist, for the exercise of freedom of speech and other constitutional rights; and

(6) the provisions of this section are necessary in the public interest to avoid the detrimental results described in this subsection.

(b) This section does not prohibit:

(1) picketing or assembly in connection with a labor dispute, as defined in § 4-301 of the Labor and Employment Article;

(2) picketing in a lawful manner of a person's home when it is also the person's sole place of business; or

(3) holding a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.

(c) A person may not intentionally assemble with another in a manner that disrupts a person's right to tranquility in the person's home.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $100 or both.

(2) Each day on which a violation of this section occurs is a separate violation.

(e) In addition to the penalty provided in subsection (d) of this section, a circuit court:

(1) may enjoin conduct proscribed by this section; and

(2) in the proceeding for injunctive relief, may award damages, including punitive damages, against any person found guilty of violating this section.

§3–905.

(a) A person may not take and break open a letter that is not addressed to the person without permission from the person to whom the letter is addressed or the personal representative of the addressee's estate.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for 6 days and a fine of $15.

§3–906.

(a) (1) In this section the following words have the meanings indicated.

(2) "Telegraph company" has the meaning stated in § 1–101 of the Public Utilities Article.

(3) "Telegraph lines" has the meaning stated in § 1–101 of the Public Utilities Article.

(4) "Telephone company" has the meaning stated in § 1–101 of the Public Utilities Article.

(5) "Telephone lines" has the meaning stated in § 1–101 of the Public Utilities Article.

(b) An employee or agent of a telegraph company or telephone company, or of a person operating telegraph lines or telephone lines for profit in the State, may not:

(1) willfully divulge the contents or nature of the contents of a private communication that is entrusted to the person for transmission or delivery; or

(2) willfully refuse or neglect to transmit or deliver a private communication.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding $500 or both.

§3–907.

(a) (1) In this section the following words have the meanings indicated.

(2) "Protected individual" means an individual who buys, rents, or borrows a videotape, video disk, or film from a videotape distributor.

(3) "Publish" means to distribute to a person other than the protected individual or an agent of the protected individual.

(4) "Videotape distributor" means a retail establishment operating for profit that sells, rents, or loans videotapes, video disks, or films.

(b) Except as provided in subsection (d) of this section, a videotape distributor, or an agent or employee of a videotape distributor, may not publish the following information relating to sales, rentals, or loans of videotapes, video disks, or films to a protected individual:

(1) any numerical designation used by the videotape distributor to identify the protected individual; or

(2) any listing of videotapes, video disks, or films bought, rented, or borrowed by the protected individual from the videotape distributor.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months for all violations or a fine not exceeding $500 for each violation or both.

(d) This section does not prohibit the distribution of information protected under subsection (b) of this section to:

(1) a person designated by the videotape distributor and authorized by the protected individual before distribution to receive the information;

(2) any appropriately authorized law enforcement personnel; or

(3) a collection agency used or person designated by the videotape distributor to collect unreturned rental videotapes, video disks, or films, or an amount equal to their value.

§3–1001.

(a) This section applies to a threat made by oral or written communication or electronic mail, as defined in § 3–805(a) of this title.

(b) A person may not knowingly threaten to commit or threaten to cause to be committed a crime of violence, as defined in § 14–101 of this article, that would place five or more people at substantial risk of death or serious physical injury, as defined in § 3–201 of this title, if the threat were carried out.

(c) (1) A person who violates this section is guilty of the misdemeanor of making a threat of mass violence and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(2) In addition to the penalties provided in paragraph (1) of this subsection, a court shall order a person convicted under this section to reimburse the appropriate unit of federal, State, or local government or other person for any expenses and losses incurred in responding to the unlawful threat unless the court states on the record the reasons why reimbursement would be inappropriate.

(d) A person who violates this section may be indicted, prosecuted, tried, and convicted in any county where:

(1) the threat was received;

(2) the threat was made; or

(3) the consequences of the threat occurred.

§3–1101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Assignation" has the meaning stated in § 11–301 of this article.

(c) "Prostitution" has the meaning stated in § 11–301 of this article.

(d) "Sexually explicit performance" has the meaning stated in § 11–301 of this article.

§3–1102.

(a) (1) A person may not knowingly:

(i) take or cause another to be taken to any place for prostitution;

(ii) place, cause to be placed, or harbor another in any place for prostitution;

(iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;

(iv) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;

(v) engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm; or

(vi) destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection.

(2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(b) (1) A person may not violate subsection (a) of this section involving a victim who is a minor.

(2) A person may not violate subsection (a) of this section with the use of or intent to use force, threat, coercion, or fraud.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of sex trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(ii) A person who violates subsection (a) of this section is subject to § 5–106(b) of the Courts Article.

(2) A person who violates subsection (b) of this section is guilty of the felony of sex trafficking and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $15,000 or both.

(d) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.

(e) (1) A person who knowingly benefits financially or by receiving anything of value from participation in a venture that includes an act described in subsection (a) or (b) of this section is subject to the same penalties that would apply if the person had violated that subsection.

(2) A person who knowingly aids, abets, or conspires with one or more other persons to violate any subsection of this section is subject to the same penalties that apply for a violation of that subsection.

(f) It is not a defense to a prosecution under subsection (b)(1) or (e) of this section that the person did not know the age of the victim.

§3–1103.

(a) A person may not knowingly:

(1) take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry any person;

(2) receive a financial benefit or thing of value in relation to a violation of this subsection; or

(3) aid, abet, or conspire with another to violate this subsection.

(b) A person who violates this section is guilty of the felony of forced marriage and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $15,000 or both.

(c) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the victim.

§3–1201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Coercion" includes actual or threatened:

(1) use of physical force against an individual;

(2) restraint, abduction, isolation, or confinement of an individual against the individual's will and without lawful authority;

(3) control or direction of the activity of an individual through debt bondage;

(4) destruction, concealment, removal, confiscation, withholding, or possession of an actual or purported passport, immigration document, or governmental identification document of an individual;

(5) infliction of serious psychological harm to an individual;

(6) control of an individual's access to a controlled dangerous substance;

(7) exposure or dissemination of any fact or information that would tend to subject an individual to criminal or immigration proceedings;

(8) notification to an agency or unit of the State or federal government that an individual is present in the United States in violation of federal immigration law; and

(9) exploitation of a vulnerable adult.

(c) "Controlled dangerous substance" has the meaning stated in § 5–101 of this article.

(d) "Debt bondage" means the status or condition of an individual who provides labor, services, or sex acts to pay a real or alleged debt, where:

(1) the value of the labor, services, or sex act is not applied toward the liquidation of the debt;

(2) the nature of the labor, services, or sex act is not limited or defined; or

(3) the amount of the debt does not reasonably reflect the value of items, services, or other things of value for which the debt was incurred.

(e) "Vulnerable adult" has the meaning stated in § 3–604 of this article.

§3–1202.

(a) A person may not knowingly:

(1) take, place, harbor, persuade, induce, or entice another by force, fraud, or coercion to provide services or labor; or

(2) receive a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion.

(b) A person may not aid or conspire with another to commit a violation of subsection (a) of this section.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $15,000 or both.

§3–1203.

(a) A State's Attorney or the Attorney General may investigate and prosecute a violation of this subtitle or a violation of any crime based on the act establishing a violation of this subtitle.

(b) If the Attorney General exercises authority under subsection (a) of this section, the Attorney General has all the powers and duties of a State's Attorney to investigate and prosecute the violation.

§4–101.

(a) (1) In this section the following words have the meanings indicated.

(2) "Nunchaku" means a device constructed of two pieces of any substance, including wood, metal, or plastic, connected by any chain, rope, leather, or other flexible material not exceeding 24 inches in length.

(3) (i) "Pepper mace" means an aerosol propelled combination of highly disabling irritant pepper-based products.

(ii) "Pepper mace" is also known as oleoresin capsicum (o.c.) spray.

(4) "Star knife" means a device used as a throwing weapon, consisting of several sharp or pointed blades arrayed as radially disposed arms about a central disk.

(5) (i) "Weapon" includes a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku.

(ii) "Weapon" does not include:

1. a handgun; or

2. a penknife without a switchblade.

(b) This section does not prohibit the following individuals from carrying a weapon:

(1) an officer of the State, or of any county or municipal corporation of the State, who is entitled or required to carry the weapon as part of the officer's official equipment, or by any conservator of the peace, who is entitled or required to carry the weapon as part of the conservator's official equipment, or by any officer or conservator of the peace of another state who is temporarily in this State;

(2) a special agent of a railroad;

(3) a holder of a permit to carry a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; or

(4) an individual who carries the weapon as a reasonable precaution against apprehended danger, subject to the right of the court in an action arising under this section to judge the reasonableness of the carrying of the weapon, and the proper occasion for carrying it, under the evidence in the case.

(c) (1) A person may not wear or carry a dangerous weapon of any kind concealed on or about the person.

(2) A person may not wear or carry a dangerous weapon, chemical mace, pepper mace, or a tear gas device openly with the intent or purpose of injuring an individual in an unlawful manner.

(3) (i) This paragraph applies in Anne Arundel County, Baltimore County, Caroline County, Cecil County, Harford County, Kent County, Montgomery County, Prince George's County, St. Mary's County, Talbot County, Washington County, and Worcester County.

(ii) A minor may not carry a dangerous weapon between 1 hour after sunset and 1 hour before sunrise, whether concealed or not, except while:

1. on a bona fide hunting trip; or

2. engaged in or on the way to or returning from a bona fide trap shoot, sport shooting event, or any organized civic or military activity.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(2) For a person convicted under subsection (c)(1) or (2) of this section, if it appears from the evidence that the weapon was carried, concealed or openly, with the deliberate purpose of injuring or killing another, the court shall impose the highest sentence of imprisonment prescribed.

§4–102.

(a) This section does not apply to:

(1) a law enforcement officer in the regular course of the officer's duty;

(2) an off–duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

(3) a person hired by a county board of education specifically for the purpose of guarding public school property;

(4) a person engaged in organized shooting activity for educational purposes; or

(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

(b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

§4–103.

(a) In this section, "law enforcement officer" means:

(1) a law enforcement officer who, in an official capacity, is authorized by law to make arrests;

(2) a sheriff, deputy sheriff, or assistant sheriff; or

(3) an employee of the Division of Correction, the Patuxent Institution, the Division of Pretrial Detention and Services, the Division of Parole and Probation, a local correctional facility, or any booking facility.

(b) A person may not knowingly remove or attempt to remove a firearm from the possession of a law enforcement officer if:

(1) the law enforcement officer is lawfully acting within the course and scope of employment; and

(2) the person has knowledge or reason to know that the law enforcement officer is employed as a law enforcement officer.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(d) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation under this section.

§4–104.

(a) (1) In this section the following words have the meanings indicated.

(2) "Ammunition" means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) "Child" means an individual under the age of 16 years.

(4) (i) "Firearm" means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or any other firearm.

(ii) "Firearm" does not include an antique firearm as defined in § 4-201 of this title.

(b) This section does not apply if:

(1) the child's access to a firearm is supervised by an individual at least 18 years old;

(2) the child's access to a firearm was obtained as a result of an unlawful entry;

(3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or

(4) the child has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

(c) A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(e) (1) A violation of this section may not:

(i) be considered evidence of negligence;

(ii) be considered evidence of contributory negligence;

(iii) limit liability of a party or an insurer; or

(iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.

(2) A party, witness, or lawyer may not refer to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

§4–105.

(a) A person may not sell, barter, display, or offer to sell or barter:

(1) a knife or a penknife having a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, commonly called a switchblade knife or a switchblade penknife; or

(2) a device that is designed to propel a knife from a metal sheath by means of a high-compression ejector spring, commonly called a shooting knife.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or a fine of not less than $50 and not exceeding $500 or both.

§4–106.

(a) (1) In this section and § 4-107 of this subtitle the following words have the meanings indicated.

(2) "Ammunition" means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) "Bulletproof body armor" means a material or object that is designed to cover or be worn on any part of the body to prevent, deflect, or slow down the penetration of ammunition.

(4) "Crime of violence" has the meaning stated in § 14-101 of this article.

(5) "Drug trafficking crime" has the meaning stated in § 5-621 of this article.

(6) "Firearm" includes:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle as those terms are defined in § 4-201 of this title;

(ii) an assault pistol as defined in § 4-301 of this title;

(iii) a machine gun as defined in § 4-401 of this title; and

(iv) a regulated firearm as defined in § 5-101 of the Public Safety Article.

(7) "Secretary" means the Secretary of State Police or the Secretary's designee.

(b) A person may not wear bulletproof body armor in the commission of a crime of violence.

(c) A person may not wear or possess bulletproof body armor during and in relation to a drug trafficking crime.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(e) A sentence imposed under this section may be separate from a sentence for any crime of violence or drug trafficking crime establishing the violation of this section.

§4–107.

(a) Except for a person holding a valid permit issued under subsection (c) of this section, a person who was previously convicted of a crime of violence or a drug trafficking crime may not use, possess, or purchase bulletproof body armor.

(b) A person with a prior conviction for a crime of violence or a drug trafficking crime may file a petition with the Secretary for a permit to purchase, possess, and use bulletproof body armor.

(c) On receiving a petition under subsection (b) of this section, the Secretary may issue to the petitioner a permit to purchase, possess, and use bulletproof body armor under the terms, conditions, and limitations that the Secretary sets as appropriate, based on a determination that the petitioner:

(1) is likely to use or possess bulletproof body armor in a safe and lawful manner; and

(2) has shown good cause for the use, possession, or purchase of bulletproof body armor.

(d) In making a determination under subsection (c) of this section with respect to a petitioner, the Secretary shall consider:

(1) the effect of the determination on the employment of the petitioner;

(2) the interests of justice;

(3) the safety of the petitioner;

(4) any other valid reason for the petitioner to purchase, possess, or use bulletproof body armor; and

(5) the totality of the circumstances.

(e) As a condition of issuing a permit to a petitioner, the Secretary shall require that the petitioner agree to maintain in the person's possession a certified copy of the permit, including any terms, conditions, or limitations.

(f) (1) A permit under this section expires 5 years after the date of its issuance.

(2) A permit shall be renewed for successive periods of 5 years if the applicant:

(i) files an application for renewal at any time within 3 months before the permit expires; and

(ii) satisfies the requirements of this section.

(g) The Secretary may revoke a permit at any time if the Secretary finds that the holder no longer satisfies the qualifications set forth in subsection (c) of this section.

(h) (1) A person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receiving written notice of the Secretary's initial action.

(2) The informal review may include a personal interview of the applicant.

(3) An informal review under this subsection is not subject to the Administrative Procedure Act.

(4) After the informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the applicant of the decision in writing within 30 days after receiving the request for informal review.

(i) (1) A person aggrieved by a decision of the Secretary may seek review of the decision under Title 10, Subtitle 2 of the State Government Article.

(2) A request for informal review under subsection (h) of this section is not a condition precedent to instituting a contested case proceeding under this subsection.

(j) The Secretary shall adopt regulations to carry out this section.

(k) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

§4–108.

(a) In Anne Arundel County, Caroline County, and St. Mary's County a person may not target practice with a gun or weapon or discharge a gun or weapon on the land of another without first obtaining written permission from the owner or possessor of the land.

(b) (1) (i) In Anne Arundel County and Caroline County a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

1. for a first violation, a fine of not less than $250 and not exceeding $1,000; and

2. for each subsequent violation, a fine of not less than $500 and not exceeding $2,000.

(ii) If a person fails to pay a fine imposed under this paragraph, further proceedings shall be held in accordance with § 7-505 of the Courts Article.

(2) In St. Mary's County a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§4–109.

(a) (1) In this section the following words have the meanings indicated.

(2) "Crime of violence" has the meaning stated in § 14–101 of this article.

(3) "Electronic control device" means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

(b) A person may not possess or use an electronic control device unless the person:

(1) has attained the age of 18 years; and

(2) has never been convicted of a crime of violence or a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, or § 5–614 of this article.

(c) An electronic control device may not be sold and activated in the State unless:

(1) an instructional manual or audio or audiovisual instructions are provided to the purchaser;

(2) the manufacturer maintains a record of the original owner of the electronic control device; and

(3) the manufacturer or seller has obtained a State and federal criminal history records check of the original owner to ensure compliance with subsection (b)(2) of this section.

(d) A manufacturer of electronic control devices shall provide an investigating law enforcement agency with prompt access to the manufacturer's records on electronic control devices and cartridges sold in the State.

(e) (1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 months or a fine not exceeding $500 or both.

(2) A person who violates subsection (b) of this section while committing a separate crime that is a crime of violence is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(f) This section does not prohibit a local government from adopting a restriction or requirement concerning the possession of an electronic control device that is more stringent than the requirements of this section.

§4–110.

(a) In this section, "restricted firearm ammunition" means a cartridge, a shell, or any other device that:

(1) contains explosive or incendiary material designed and intended for use in a firearm; and

(2) has a core constructed, excluding traces of other substances, entirely from one or a combination of:

(i) tungsten alloys;

(ii) steel;

(iii) iron;

(iv) brass;

(v) beryllium copper;

(vi) depleted uranium; or

(vii) an equivalent material of similar density or hardness.

(b) A person may not, during and in relation to the commission of a crime of violence as defined in § 14–101 of this article, possess or use restricted firearm ammunition.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

§4–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Antique firearm" means:

(1) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or

(2) a replica of a firearm described in item (1) of this subsection that:

(i) is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(c) (1) "Handgun" means a pistol, revolver, or other firearm capable of being concealed on the person.

(2) "Handgun" includes a short–barreled shotgun and a short–barreled rifle.

(3) "Handgun" does not include a shotgun, rifle, or antique firearm.

(d) "Law enforcement official" means:

(1) a full–time member of a police force or other unit of the United States, a state, a county, a municipal corporation, or other political subdivision of a state who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, a state, a county, a municipal corporation, or other political subdivision of a state;

(2) a part–time member of a police force of a county or municipal corporation who is certified by the county or municipal corporation as being trained and qualified in the use of handguns;

(3) a fire and explosive investigator of the Prince George's County Fire/EMS Department as defined in § 2–208.3 of the Criminal Procedure Article;

(4) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(5) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(6) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;

(7) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; or

(8) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

(e) "Rifle" means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(f) "Short–barreled rifle" means:

(1) a rifle that has one or more barrels less than 16 inches long; or

(2) a weapon that has an overall length of less than 26 inches and that was made from a rifle, whether by alteration, modification, or otherwise.

(g) "Short–barreled shotgun" means:

(1) a shotgun that has one or more barrels less than 18 inches long; or

(2) a weapon that has an overall length of less than 26 inches long and was made from a shotgun, whether by alteration, modification, or otherwise.

(h) "Shotgun" means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.

(i) "Vehicle" means a motor vehicle as defined in Title 11, Subtitle 1 of the Transportation Article, a train, an aircraft, or a vessel.

§4–202.

The General Assembly finds that:

(1) the number of violent crimes committed in the State has increased alarmingly in recent years;

(2) a high percentage of violent crimes committed in the State involves the use of handguns;

(3) the result is a substantial increase in the number of deaths and injuries largely traceable to the carrying of handguns in public places by criminals;

(4) current law has not been effective in curbing the more frequent use of handguns in committing crime; and

(5) additional regulations on the wearing, carrying, and transporting of handguns are necessary to preserve the peace and tranquility of the State and to protect the rights and liberties of the public.

§4–203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full–time assistant or deputy sheriff of the State; or

(vi) a temporary or part–time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5–307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not less than $250 and not exceeding $2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3) (i) If the person has previously been convicted once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4) (i) If the person has previously been convicted more than once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

§4–204.

(a) (1) In this section, "firearm" means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) "Firearm" includes an antique firearm, handgun, rifle, shotgun, short–barreled rifle, short–barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years and, except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

§4–205.

(a) Notwithstanding § 14-102 of this article or any other provision of law, except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle, a court may not:

(1) enter a judgment for less than the mandatory minimum sentence prescribed in § 4-203 or § 4-204 of this subtitle in a case in which a mandatory minimum sentence is specified under § 4-203 or § 4-204 of this subtitle; or

(2) suspend a mandatory minimum sentence prescribed in § 4-203 or § 4-204 of this subtitle.

(b) Notwithstanding § 14-102 of this article or any other provision of law:

(1) except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle for wearing, carrying, or transporting a handgun other than on public school property, a court may not order probation before judgment in a case arising under this subtitle; and

(2) except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle, a court may not order probation with respect to a case arising under § 4-203 or § 4-204 of this subtitle that would have the effect of reducing the actual period of imprisonment prescribed in § 4-203 or § 4-204 of this subtitle as a mandatory minimum sentence.

§4–206.

(a) (1) A law enforcement officer may make an inquiry and conduct a limited search of a person under paragraph (2) of this subsection if the officer, in light of the officer's observations, information, and experience, reasonably believes that:

(i) the person may be wearing, carrying, or transporting a handgun in violation of § 4–203 of this subtitle;

(ii) because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others;

(iii) under the circumstances, it is impracticable to obtain a search warrant; and

(iv) to protect the officer or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun.

(2) If the circumstances specified under paragraph (1) of this subsection exist, a law enforcement officer:

(i) may approach the person and announce the officer's status as a law enforcement officer;

(ii) may request the name and address of the person;

(iii) if the person is in a vehicle, may request the person's license to operate the vehicle and the registration of the vehicle;

(iv) may ask any question and request any explanation that may be reasonably calculated to determine whether the person is unlawfully wearing, carrying, or transporting a handgun in violation of § 4–203 of this subtitle; and

(v) if the person does not offer an explanation that dispels the officer's reasonable beliefs described in paragraph (1) of this subsection, may conduct a search of the person limited to a patting or frisking of the person's clothing in search of a handgun.

(3) A law enforcement officer acting under this subsection shall take into account all circumstances of the occasion, including the age, appearance, physical condition, manner, and gender of the person approached.

(b) (1) If the officer discovers that the person is wearing, carrying, or transporting a handgun, the officer may demand evidence from the person of the person's authority to wear, carry, or transport the handgun in accordance with § 4–203(b) of this subtitle.

(2) If the person does not produce the evidence specified in paragraph (1) of this subsection, the officer may seize the handgun and arrest the person.

(c) (1) A law enforcement officer who conducts a search or seizure in accordance with this section shall file a written report with the law enforcement officer's employer unit within 24 hours after the search or seizure.

(2) The report shall be on a form that the Secretary of Public Safety and Correctional Services prescribes, shall include the name of the person searched, and shall describe the circumstances surrounding and the reasons for the search or seizure.

(3) A copy of the report shall be sent to the Secretary of State Police.

(d) On request of a law enforcement officer, the Attorney General shall defend the officer in a civil action, including any appeal, in which the officer is sued for conducting a search or seizure under this section that is alleged to be unreasonable and unlawful.

(e) (1) This section may not be construed to limit the right of a law enforcement officer to conduct any other type of search or seizure or make an arrest that is otherwise authorized by law.

(2) The provisions of this section are in addition to and not limited by the provisions of Title 2 of the Criminal Procedure Article.

§4–208.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Demonstration" means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or

grievances and that has the effect, intent, or propensity to attract a crowd or onlookers.

(ii) "Demonstration" does not include the casual use of property by visitors or tourists that does not have the intent or propensity to attract a crowd or onlookers.

(3) (i) "Firearm" means a handgun, rifle, shotgun, short–barreled rifle, short–barreled shotgun, or any other firearm, whether loaded or unloaded.

(ii) "Firearm" does not include an antique firearm.

(4) "Handgun" has the meaning stated in § 5–101 of the Public Safety Article.

(5) "Law enforcement officer" means:

(i) a member of a police force or other unit of the United States, the State, a county, municipal corporation, or other political subdivision who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, the State, a county, municipal corporation, or other political subdivision;

(ii) a park police officer of the Maryland–National Capital Park and Planning Commission;

(iii) a member of the University System of Maryland Police Force; and

(iv) any military or militia personnel directed by constituted authority to keep law and order.

(6) (i) "Public place" means a place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose.

(ii) "Public place" is not limited to a place devoted solely to the uses of the public.

(iii) "Public place" includes:

1. the front or immediate area or parking lot of a store, restaurant, tavern, shopping center, or other place of business;

2. a public building, including its grounds and curtilage;

3. a public parking lot;

4. a public street, sidewalk, or right–of–way;

5. a public park; and

6. other public grounds.

(b) (1) This subsection does not apply to a law enforcement officer.

(2) A person may not have a firearm in the person's possession or on or about the person at a demonstration in a public place or in a vehicle that is within 1,000 feet of a demonstration in a public place after:

(i) the person has been advised by a law enforcement officer that a demonstration is occurring at the public place; and

(ii) the person has been ordered by the law enforcement officer to leave the area of the demonstration until the person disposes of the firearm.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§4–209.

(a) Except as otherwise provided in this section, the State preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of:

(1) a handgun, rifle, or shotgun; and

(2) ammunition for and components of a handgun, rifle, or shotgun.

(b) (1) A county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the items listed in subsection (a) of this section:

(i) with respect to minors;

(ii) with respect to law enforcement officials of the subdivision; and

(iii) except as provided in paragraph (2) of this subsection, within 100 yards of or in a park, church, school, public building, and other place of public assembly.

(2) A county, municipal corporation, or special taxing district may not prohibit the teaching of or training in firearms safety, or other educational or sporting use of the items listed in subsection (a) of this section.

(3) A county, municipal corporation, or special taxing district may not prohibit the transportation of an item listed in subsection (a) of this section by a person who is carrying a court order requiring the surrender of the item, if:

(i) the handgun, rifle, or shotgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the item is being transported in accordance with the court order; and

(iii) the person transports the item directly to the law enforcement unit, barracks, or station.

(c) To the extent that a local law does not create an inconsistency with this section or expand existing regulatory control, a county, municipal corporation, or special taxing district may exercise its existing authority to amend any local law that existed on or before December 31, 1984.

(d) (1) Except as provided in paragraph (2) of this subsection, in accordance with law, a county, municipal corporation, or special taxing district may regulate the discharge of handguns, rifles, and shotguns.

(2) A county, municipal corporation, or special taxing district may not prohibit the discharge of firearms at established ranges.

§4–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Assault long gun" means any assault weapon listed under § 5–101(r)(2) of the Public Safety Article.

(c) "Assault pistol" means any of the following firearms or a copy regardless of the producer or manufacturer:

(1) AA Arms AP–9 semiautomatic pistol;

(2) Bushmaster semiautomatic pistol;

(3) Claridge HI–TEC semiautomatic pistol;

(4) D Max Industries semiautomatic pistol;

(5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

(6) Heckler and Koch semiautomatic SP–89 pistol;

(7) Holmes MP–83 semiautomatic pistol;

(8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;

(9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;

(10) P.A.W.S. type semiautomatic pistol;

(11) Skorpion semiautomatic pistol;

(12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

(13) UZI semiautomatic pistol;

(14) Weaver Arms semiautomatic Nighthawk pistol; or

(15) Wilkinson semiautomatic "Linda" pistol.

(d) "Assault weapon" means:

(1) an assault long gun;

(2) an assault pistol; or

(3) a copycat weapon.

(e) "Binary trigger system" means a device that, when installed in or attached to a firearm, fires both when the trigger is pulled and on release of the trigger.

(f) "Bump stock" means a device that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

(g) "Burst trigger system" means a device that, when installed in or attached to a firearm, allows the firearm to discharge two or more shots with a single pull of the trigger by altering the trigger reset.

(h) (1) "Copycat weapon" means:

(i) a semiautomatic centerfire rifle that can accept a detachable magazine and has any two of the following:

1. a folding stock;

2. a grenade launcher or flare launcher; or

3. a flash suppressor;

(ii) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(iii) a semiautomatic centerfire rifle that has an overall length of less than 29 inches;

(iv) a semiautomatic pistol with a fixed magazine that can accept more than 10 rounds;

(v) a semiautomatic shotgun that has a folding stock; or

(vi) a shotgun with a revolving cylinder.

(2) "Copycat weapon" does not include an assault long gun or an assault pistol.

(i) "Detachable magazine" means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

(j) "Flash suppressor" means a device that functions, or is intended to function, to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.

(k) "Hellfire trigger" means a device that, when installed in or attached to a firearm, disengages the trigger return spring when the trigger is pulled.

(l) "Licensed firearms dealer" means a person who holds a dealer's license under Title 5, Subtitle 1 of the Public Safety Article.

(m) (1) "Rapid fire trigger activator" means any device, including a removable manual or power–driven activating device, constructed so that, when installed in or attached to a firearm:

(i) the rate at which the trigger is activated increases; or

(ii) the rate of fire increases.

(2) "Rapid fire trigger activator" includes a bump stock, trigger crank, hellfire trigger, binary trigger system, burst trigger system, or a copy or a similar device, regardless of the producer or manufacturer.

(3) "Rapid fire trigger activator" does not include a semiautomatic replacement trigger that improves the performance and functionality over the stock trigger.

(n) "Trigger crank" means a device that, when installed in or attached to a firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever, or any other part that is turned in a circular motion.

§4–302.

This subtitle does not apply to:

(1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer authorized under Title 3 of the Public Safety Article or 49 U.S.C. § 28101;

(2) a firearm modified to render it permanently inoperative;

(3) possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:

(i) providing or servicing an assault weapon or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section;

(ii) acting to sell or transfer an assault weapon or detachable magazine to a licensed firearm dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or

(iii) acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair;

(4) organizations that are required or authorized by federal law governing their specific business or activity to maintain assault weapons and applicable ammunition and detachable magazines;

(5) the receipt of an assault weapon or detachable magazine by inheritance, and possession of the inherited assault weapon or detachable magazine, if the decedent lawfully possessed the assault weapon or detachable magazine and the person inheriting the assault weapon or detachable magazine is not otherwise disqualified from possessing a regulated firearm;

(6) the receipt of an assault weapon or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate;

(7) possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local unit in the State and is not otherwise prohibited from receiving an assault weapon or detachable magazine if:

(i) the assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement; or

(ii) the assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency before retirement;

(8) possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; or

(9) possession, receipt, and testing by, or shipping to or from:

(i) an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or

(ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

§4–303.

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport an assault weapon into the State; or

(2) possess, sell, offer to sell, transfer, purchase, or receive an assault weapon.

(b) (1) A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of State Police before August 1, 1994, may:

(i) continue to possess and transport the assault pistol; or

(ii) while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to a law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the person has notified a law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.

(2) A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the licensed firearms dealer lawfully possessed on or before October 1, 2013.

(3) A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013, may:

(i) possess and transport the assault long gun or copycat weapon; or

(ii) while carrying a court order requiring the surrender of the assault long gun or copycat weapon, transport the assault long gun or copycat weapon directly to a law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the

person has notified a law enforcement unit, barracks, or station that the person is transporting the assault long gun or copycat weapon in accordance with a court order and the assault long gun or copycat weapon is unloaded.

(4) A person may transport an assault weapon to or from:

(i) an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or

(ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

(5) A federally licensed firearms dealer may receive and possess an assault weapon received from a person in accordance with a court order to transfer firearms under § 6–234 of the Criminal Procedure Article.

§4–304.

A law enforcement unit may seize as contraband and dispose of according to regulation an assault weapon transported, sold, transferred, purchased, received, or possessed in violation of this subtitle.

§4–305.

(a) This section does not apply to:

(1) a .22 caliber rifle with a tubular magazine; or

(2) a law enforcement officer or a person who retired in good standing from service with a law enforcement agency of the United States, the State, or any law enforcement agency in the State.

(b) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm.

§4–305.1. IN EFFECT

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport a rapid fire trigger activator into the State; or

(2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a rapid fire trigger activator.

(b) This section does not apply to the possession of a rapid fire trigger activator by a person who:

(1) possessed the rapid fire trigger activator before October 1, 2018;

(2) applied to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2018, for authorization to possess a rapid fire trigger activator; and

(3) is in compliance with all federal requirements for possession of a rapid fire trigger activator.

§4–305.1. ** TAKES EFFECT OCTOBER 1, 2019 PER CHAPTER 252 OF 2018 **

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport a rapid fire trigger activator into the State; or

(2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a rapid fire trigger activator.

(b) This section does not apply to the possession of a rapid fire trigger activator by a person who:

(1) possessed the rapid fire trigger activator before October 1, 2018;

(2) applied to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2018, for authorization to possess a rapid fire trigger activator;

(3) received authorization to possess a rapid fire trigger activator from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2019; and

(4) is in compliance with all federal requirements for possession of a rapid fire trigger activator.

§4–306.

(a) Except as otherwise provided in this subtitle, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(b) (1) A person who uses an assault weapon, a rapid fire trigger activator, or a magazine that has a capacity of more than 10 rounds of ammunition, in the commission of a felony or a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or crime of violence, shall be sentenced under this subsection.

(2) (i) For a first violation, the person shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years.

(iii) The mandatory minimum sentence of 5 years may not be suspended.

(iv) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(3) (i) For each subsequent violation, the person shall be sentenced to imprisonment for not less than 10 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 10 years.

(iii) A sentence imposed under this paragraph shall be consecutive to and not concurrent with any other sentence imposed for the felony or crime of violence.

§4–401.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Crime of violence" means:

(i) murder in any degree;

(ii) manslaughter;

(iii) kidnapping;

(iv) rape in any degree;

(v) assault in the first degree;

(vi) robbery under § 3–402 or § 3–403 of this article;

(vii) burglary in any degree;

(viii) home invasion under § 6–202(b) of this article;

(ix) escape in the first degree; or

(x) theft.

(2) "Crime of violence" includes an attempt to commit a crime listed in paragraph (1) of this subsection.

(c) "Machine gun" means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.

§4–402.

(a) The presence of a machine gun in a room, boat, or vehicle is evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle.

(b) This subtitle does not prohibit or interfere with:

(1) the manufacture, sale, and transportation of a machine gun for or to a military force or peace officer of the United States, a state, or a political subdivision of a state;

(2) the possession of a machine gun for a scientific purpose;

(3) the possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon;

(4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive; or

(5) the transportation of a lawfully possessed machine gun by a person who is carrying a court order requiring the surrender of the machine gun, if:

(i) the machine gun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the machine gun is being transported in accordance with the court order; and

(iii) the person transports the machine gun directly to the law enforcement unit, barracks, or station.

(c) (1) A court may issue a warrant to search for and seize a machine gun possessed in violation of this subtitle under the same procedure as for issuance of a warrant for stolen property.

(2) On application by the State's Attorney, a court may order the confiscation or destruction of a legally seized machine gun or the transfer of the machine gun to a peace officer of the State or a political subdivision of the State.

§4–403.

(a) (1) A manufacturer of a machine gun shall keep a register of each machine gun manufactured or handled by the manufacturer.

(2) The register shall contain:

(i) the method of manufacture and serial number of the machine gun;

(ii) the date of manufacture, sale, loan, gift, delivery, and receipt of the machine gun from the manufacturer; and

(iii) the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom the machine gun was received, and the purpose for which the machine gun was acquired.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(b) (1) On demand, a manufacturer of a machine gun shall allow a marshal, sheriff, or police officer to inspect the manufacturer's entire stock of machine guns, parts, and supplies and the register required under subsection (a) of this section.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(c) (1) A person who acquires a machine gun shall register the machine gun with the Secretary of State Police:

(i) within 24 hours after acquiring the machine gun; and

(ii) in each succeeding year during the month of May.

(2) The Secretary of State Police shall prepare and, on request of an applicant, furnish an application form for registration under this subsection.

(3) An application for registration shall contain:

(i) the make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;

(ii) the name, address, race, gender, date of birth, Maryland driver's license number, and occupation of the person in possession of the machine gun; and

(iii) the name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.

(4) Each application for registration filed with the Secretary of State Police shall be accompanied by a nonrefundable registration fee of $10.

(5) Registration data provided under this section is not open to public inspection.

§4–404.

(a) A person may not use or possess a machine gun in the commission or attempted commission of a crime of violence.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

§4–405.

(a) Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when:

(1) the machine gun:

(i) is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun is found;

(ii) is in the possession of, or used by, an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any state or federal court of the United States; or

(iii) is not registered as required under § 4-403 of this subtitle; or

(2) empty or loaded shells that have been used or are susceptible of being used in the machine gun are found in the immediate vicinity of the machine gun.

(b) A person may not possess or use a machine gun for an offensive or aggressive purpose.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§4–406.

This subtitle shall be interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it.

§4–407.

This subtitle may be cited as the Uniform Machine Gun Act.

§4–501.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Destructive device" means explosive material, incendiary material, or toxic material that is:

(i) combined with a delivery or detonating apparatus so as to be capable of inflicting injury to persons or damage to property; or

(ii) deliberately modified, containerized, or otherwise equipped with a special delivery, activation, or detonation component that gives the material destructive characteristics of a military ordnance.

(2) "Destructive device" includes a bomb, grenade, mine, shell, missile, flamethrower, poison gas, Molotov cocktail, pipe bomb, and petroleum-soaked ammonium nitrate.

(c) (1) "Explosive material" means material that explodes when detonated and has a destructive capability.

(2) "Explosive material" includes:

(i) explosives as defined in § 11-101 of the Public Safety Article; and

(ii) dynamite for construction work, ammonium nitrate, natural gas in pipelines or storage tanks, ether, and cannisterized oxygen for health care facilities.

(3) "Explosive material" does not include items excluded from explosives in § 11-101 of the Public Safety Article when the items are used in their original configuration.

(d) (1) "Incendiary material" means a flammable or combustible liquid.

(2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet fuel, fuel oil, kerosene, and diesel fuel.

(e) (1) "Toxic material" means material that is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested.

(2) "Toxic material" includes:

(i) nerve gas, mustard gas, cyanide gas, chlorine gas, sulphuric acid, or their precursors; and

(ii) a biological substance containing a disease organism or microorganism.

§4–502.

This subtitle does not apply to:

(1) a member of the armed forces of the United States or of the National Guard or law enforcement personnel of the United States, the State, or a political subdivision of the State while acting within the scope of official duties;

(2) an officer or employee of the United States, the State, or a political subdivision of the State who is authorized to handle a destructive device within the scope of official duties and who is acting within the scope of those duties;

(3) a person authorized by law to possess explosive material, incendiary material, or toxic material who is acting within the scope of authority if the possession of the material is specifically regulated or licensed by law; or

(4) a person who possesses smokeless or black gunpowder under Title 11, Subtitle 1 of the Public Safety Article and uses the gunpowder for loading or reloading small arms ammunition, antique firearms, or replicas of antique firearms.

§4–503.

(a) A person may not knowingly:

(1) manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or

(2) possess explosive material, incendiary material, or toxic material with intent to create a destructive device.

(b) (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $250,000 or both.

(2) A sentence imposed under this subsection may be separate from and consecutive to or concurrent with a sentence for a crime based on the act or acts establishing the violation of this section.

(3) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

(i) for a first violation, 6 months; and

(ii) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

(c) (1) In addition to any penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:

(i) the State, county, municipal corporation, bicounty agency, multicounty agency, county board of education, public authority, or special taxing district for actual costs reasonably incurred due to a violation of this section, including the search for, removal of, and damages caused by a destructive device; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property or damage sustained due to a violation of this section.

(2) (i) If a person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(3) This subsection does not limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

§5–101.

(a) In this title the following words have the meanings indicated.

(b) "Administer" means to introduce a substance into the system of a human or animal by injection, inhalation, ingestion, application to the skin, or any combination of those methods or by any other means.

(c) (1) "Agent" means an employee or other authorized person who acts for or at the direction of a manufacturer, distributor, or authorized provider.

(2) "Agent" does not include:

(i) a common carrier, contract carrier, or public warehouseman; or

(ii) an employee of a common carrier, contract carrier, or public warehouseman.

(d) (1) "Authorized provider" means:

(i) a person licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research; or

(ii) a pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research.

(2) "Authorized provider" includes:

(i) a scientific investigator;

(ii) an individual authorized by the State to practice medicine, dentistry, or veterinary medicine; and

(iii) an animal control facility licensed under § 2–305 of the Agriculture Article.

(e) (1) "Cannabimimetic agents" means substances that are cannabinoid receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional assays within one of the following structural classes:

(i) 2–(3–hydroxycyclohexyl)phenol with substitution at the 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

(ii) 3–(1–naphthoyl)indole or 3–(1–naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl ring to any extent;

(iii) 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted on the naphthoyl ring to any extent;

(iv) 1–(1–naphthylmethylene)indene by substitution of the 3–position of the indene ring, whether or not further substituted in the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent; or

(v) 3–phenylacetylindole or 3–benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

(2) "Cannabimimetic agents" includes:

(i) 5–(1,1–dimethylheptyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (CP–47,497);

(ii) 5–(1,1–dimethyloctyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (cannabicyclohexanol or CP–47,497 C8–homolog);

(iii) 1–pentyl–3–(1–naphthoyl)indole (JWH–018 and AM678);

(iv) 1–butyl–3–(1–naphthoyl)indole (JWH–073);

(v) 1–hexyl–3–(1–naphthoyl)indole (JWH–019);

(vi) 1–[2–(4–morpholinyl)ethyl]–3–(1–naphthoyl)indole (JWH–200);

(vii) 1–pentyl–3–(2–methoxyphenylacetyl)indole (JWH–250);

(viii) 1–pentyl–3–[1–(4–methoxynaphthoyl)]indole (JWH–081);

(ix) 1–pentyl–3–(4–methyl–1–naphthoyl)indole (JWH–122);

(x) 1–pentyl–3–(4–chloro–1–naphthoyl)indole (JWH–398);

(xi) 1–(5–fluoropentyl)–3–(1–naphthoyl)indole (AM2201);

(xii) 1–(5–fluoropentyl)–3–(2–iodobenzoyl)indole (AM694);

(xiii) 1–pentyl–3–[(4–methoxy)–benzoyl]indole (SR–19 and RCS–4);

(xiv) 1–cyclohexylethyl–3–(2–methoxyphenylacetyl)indole (SR–18 and RCS–8); and

(xv) 1–pentyl–3–(2–chlorophenylacetyl)indole (JWH–203).

(f) (1) "Coca leaf" includes a leaf containing cocaine, the optical and geometric isomers of cocaine, and any compound, manufactured substance, salt, derivative, mixture, or preparation of a coca leaf.

(2) "Coca leaf" does not include a derivative of a coca leaf that does not contain cocaine, ecgonine, or a substance from which cocaine or ecgonine may be synthesized or made.

(g) (1) "Controlled dangerous substance" means:

(i) a drug or substance listed in Schedule I through Schedule V; or

(ii) an immediate precursor to a drug or substance listed in Schedule I through Schedule V that:

1. by regulation the Department designates as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;

2. is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V; and

3. must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

(2) "Controlled dangerous substance" does not include distilled spirits, wine, malt beverages, or tobacco.

(h) "Controlled paraphernalia" means:

(1) a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a controlled dangerous substance by hypodermic injection;

(2) a gelatin capsule, glassine envelope, or other container suitable for packaging individual quantities of a controlled dangerous substance; or

(3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine hydrochloride, or any other substance suitable as a diluent or adulterant.

(i) "Deliver" means to make an actual, constructive, or attempted transfer or exchange from one person to another whether or not remuneration is paid or an agency relationship exists.

(j) "Department" means the Maryland Department of Health.

(k) "Depressant or stimulant drug" means a drug that contains any quantity of a substance that the Attorney General of the United States by regulation designates as having a potential for abuse because of:

(1) a depressant or stimulant effect on the central nervous system; or

(2) a hallucinogenic effect.

(l) (1) "Dispense" means to deliver to the ultimate user or the human research subject by or in accordance with the lawful order of an authorized provider.

(2) "Dispense" includes to prescribe, administer, package, label, or compound a substance for delivery.

(m) "Distribute" means, with respect to a controlled dangerous substance, to deliver other than by dispensing.

(n) (1) "Drug" means:

(i) a substance recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary;

(ii) a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(iii) except for food, a substance intended to affect the structure or function of the body of humans or other animals; or

(iv) a substance intended for use as a component of any substance specified in item (i), (ii), or (iii) of this paragraph.

(2) "Drug" does not include a device or an accessory, part, or component of a device.

(o) "Drug dependent person" means a person who:

(1) is using a controlled dangerous substance; and

(2) is in a state of psychological or physical dependence, or both, that:

(i) arises from administration of that controlled dangerous substance on a continuous basis; and

(ii) is characterized by behavioral and other responses that include a strong compulsion to take the substance on a continuous basis in order to experience its psychological effects or to avoid the discomfort of its absence.

(p) (1) "Drug paraphernalia" means equipment, a product, or material that is used, intended for use, or designed for use, in:

(i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or

(ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.

(2) "Drug paraphernalia" includes:

(i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:

1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, hashish head, or punctured metal bowl;

2. a water pipe;

3. a carburetion tube or device;

4. a smoking or carburetion mask;

5. an object known as a roach clip used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

6. a miniature spoon used for cocaine and cocaine vials;

7. a chamber pipe;

8. a carburetor pipe;

9. an electric pipe;

10. an air–driven pipe;

11. a chillum;

12. a bong; and

13. an ice pipe or chiller.

(q) (1) "Manufacture", with respect to a controlled dangerous substance, means to produce, prepare, propagate, compound, convert, or process a controlled dangerous substance:

(i) directly or indirectly by extraction from substances of natural origin;

(ii) independently by chemical synthesis; or

(iii) by a combination of extraction and chemical synthesis.

(2) "Manufacture" includes to package and repackage a controlled dangerous substance and label and relabel its containers.

(3) "Manufacture" does not include:

(i) to prepare or compound a controlled dangerous substance by an individual for the individual's own use; or

(ii) to prepare, compound, package, or label a controlled dangerous substance:

1. by an authorized provider incidental to administering or dispensing a controlled dangerous substance in the course of professional practice; or

2. if the controlled dangerous substance is not for sale by an authorized provider, or by the authorized provider's agent under the authorized provider's supervision, for or incidental to research, teaching, or chemical analysis.

(r) (1) "Marijuana" means:

(i) all parts of any plant of the genus Cannabis, whether or not the plant is growing;

(ii) the seeds of the plant;

(iii) the resin extracted from the plant; and

(iv) each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

(2) "Marijuana" does not include:

(i) the mature stalks of the plant;

(ii) fiber produced from the mature stalks;

(iii) oil or cake made from the seeds of the plant;

(iv) except for resin, any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

(v) the sterilized seed of the plant that is incapable of germination; or

(vi) hemp as defined in § 14–101 of the Agriculture Article.

(s) (1) "Narcotic drug" means a substance:

(i) that has been found to present an extreme danger to the health and welfare of the community because of addiction–forming and addiction–sustaining qualities;

(ii) that is:

1. an opiate;

2. a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or

3. a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and

(iii) that is produced:

1. directly or indirectly by extraction from substances of vegetable origin;

2. independently by chemical synthesis; or

3. by a combination of extraction and chemical synthesis.

(2) "Narcotic drug" includes decocainized coca leaf or an extract of coca leaf that does not contain cocaine or ecgonine.

(t) "Noncontrolled substance" means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.

(u) (1) "Opiate" means a substance that has an addiction–forming or addiction–sustaining quality similar to morphine or that can be converted into a drug that has this addiction–forming or addiction–sustaining quality.

(2) "Opiate" includes:

(i) the racemic and levorotatory forms of an opiate;

(ii) except for seeds, the opium poppy, the plant of the species Papaver somniferum L.;

(iii) the poppy straw consisting of the opium poppy after mowing except the seeds; and

(iv) coca leaf.

(3) "Opiate" does not include, unless specifically designated as controlled under § 5–202 of this title, the dextrorotatory isomer of 3–methoxy–n–methyl–morphinan and its salts (dextromethorphan).

(v) "Possess" means to exercise actual or constructive dominion or control over a thing by one or more persons.

(w) (1) "Prescription drug" means a drug that:

(i) is intended to be used by an individual; and

(ii) because of its toxicity, other potentiality for harmful effect, method of use, or collateral measures necessary for its use:

1. bears a cautionary label warning a person that under federal law the drug may not be dispensed without a prescription; or

2. is designated by the Department as not safe for use except under the supervision of a person licensed by the State to administer a prescription drug.

(2) "Prescription drug" does not include a controlled dangerous substance.

(x) "Produce", with respect to a controlled dangerous substance, includes to manufacture, plant, cultivate, grow, and harvest.

(y) "Registrant" means a person who is registered by the Department to manufacture, distribute, or dispense a controlled dangerous substance in the State.

(z) "Schedule I" means a list of controlled dangerous substances that appears in § 5–402 of this title.

(aa) "Schedule II" means a list of controlled dangerous substances that appears in § 5–403 of this title.

(bb) "Schedule III" means a list of controlled dangerous substances that appears in § 5–404 of this title.

(cc) "Schedule IV" means a list of controlled dangerous substances that appears in § 5–405 of this title.

(dd) "Schedule V" means a list of controlled dangerous substances that appears in § 5–406 of this title.

(ee) "Secretary" means the Secretary of the Department.

(ff) "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use, for the use of a member of the person's household, or for administration to an animal owned by the person or by a member of the person's household.

§5–102.

(a) The General Assembly finds that:

(1) many of the substances listed in this title have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the people of the State; but

(2) the illegal manufacture, distribution, possession, and administration of controlled dangerous substances have a substantial and detrimental effect on the health and general welfare of the people of the State.

(b) (1) The purpose of this title is to establish a uniform law to control the manufacture, distribution, possession, and administration of controlled dangerous substances and related paraphernalia to:

(i) ensure their availability for legitimate medical and scientific purposes; but

(ii) prevent their abuse, which results in a serious health problem to the individual and represents a serious danger to the welfare of the people of the State.

(2) This title shall be liberally construed to accomplish this purpose.

§5–103.

(a) (1) Subject to paragraph (2) of this subsection, this title does not apply to the sale of a prescription drug:

(i) made to an authorized provider; or

(ii) made by a manufacturer, wholesale distributor, or pharmacist licensed by the State to:

1. another manufacturer, wholesale distributor, or pharmacist licensed by the State; or

2. a hospital or institution that operates a dispensary in which an authorized provider licensed to administer prescription drugs is in charge.

(2) A sale is exempt from this title only if a record of the sale:

(i) is maintained and available for inspection; and

(ii) shows the date of sale, the name and address of the purchaser, and the quantity purchased.

(b) This title does not apply to:

(1) the distribution of a prescription drug, device, or supply for the treatment, care, or cure of farm animals, poultry, fowl, or other animals used in furtherance of farming activities;

(2) the sale or offering for sale, or the distribution of seeds, feed for livestock and poultry, fertilizers, lime, land plaster, fungicides, and insecticides; or

(3) a drug that on June 1, 1961, could be sold without a prescription.

§5–201.

(a) The Department, those of its officers, agents, inspectors, and representatives whom the Secretary designates, and each police officer and State's Attorney in the State shall:

(1) enforce the provisions of this title that are not specifically delegated; and

(2) cooperate with each unit that enforces any federal, state, or local law relating to controlled dangerous substances.

(b) The Department may:

(1) arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances;

(2) coordinate and cooperate in training programs on dangerous substance law enforcement at the local and State levels;

(3) eradicate wild or unlawfully grown plants from which controlled dangerous substances may be extracted; and

(4) cooperate with the federal Drug Enforcement Administration by establishing a centralized unit that will:

(i) accept, catalogue, file, and collect statistics obtained from law-enforcement units, including records of drug dependent persons convicted of drug crimes and of other offenders who violate dangerous substance laws in the State; and

(ii) make the statistics available for federal, State, and local law-enforcement purposes.

§5–202.

(a) The Department shall control all substances listed in Subtitle 4 of this title.

(b) In accordance with the Administrative Procedure Act, the Department may add a substance as a controlled dangerous substance on its own initiative or on the petition of an interested party.

(c) To determine whether to add a substance as a controlled dangerous substance, the Department shall consider:

(1) the actual or relative potential for abuse of the substance;

(2) if known, scientific evidence of the pharmacological effect of the substance;

(3) the state of current scientific knowledge regarding the substance;

(4) the history and current pattern of abuse of the substance;

(5) the scope, duration, and significance of abuse of the substance;

(6) any risk that the substance poses to the public health;

(7) the ability of the substance to cause psychological or physiological dependence; and

(8) whether the substance is an immediate precursor of a controlled dangerous substance.

(d) After considering the factors listed in subsection (c) of this section, the Department shall:

(1) make findings with respect to those factors; and

(2) issue an order to control the substance if the Department finds that the substance has a potential for abuse.

(e) If the Department designates a substance as an immediate precursor of a controlled dangerous substance, a substance that is a precursor of the immediate

precursor is not subject to control solely because it is a precursor of the immediate precursor.

(f) (1) A new substance that is designated as a controlled substance under federal law is a similarly controlled dangerous substance under this title unless the Department objects to the inclusion.

(2) If the Department objects, it shall publish the reasons for the objection and give each interested party an opportunity to be heard.

(3) After the hearing, the Department shall publish its decision, which is final.

(4) An action for judicial review of a final decision made in accordance with this section does not stay the effect of the decision.

(g) The Department annually shall update and republish a schedule.

§5–203.

The Department may adopt regulations to implement this title.

§5–204.

The Department may charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled dangerous substances in the State.

§5–301.

(a) (1) Except as otherwise provided in this section, a person shall be registered by the Department before the person manufactures, distributes, or dispenses a controlled dangerous substance in the State or transports a controlled dangerous substance into the State.

(2) The Department shall adopt regulations to carry out this subsection.

(b) An applicant must register separately each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses a controlled dangerous substance.

(c) (1) An authorized provider applying for a registration to dispense a controlled dangerous substance under this section and who will prescribe or dispense

controlled dangerous substances under that registration shall attest on the registration form to the Department that the authorized provider has completed 2 hours of continuing education.

(2) An authorized provider shall make the attestation required under paragraph (1) of this subsection:

(i) before the authorized provider's initial registration; or

(ii) if the authorized provider is registered before October 1, 2018, before the first renewal of the authorized provider's registration that occurs on or after October 1, 2018.

(3) The continuing education required under paragraph (1) of this subsection shall be:

(i) related to the prescribing or dispensing of controlled dangerous substances; and

(ii) recognized by the authorized provider's licensing or certification board or accredited by the Accreditation Council for Continuing Medical Education.

(d) To the extent authorized by the registration and subject to subsection (b) of this section and this subtitle, a person registered by the Department under this subtitle may:

(1) possess, manufacture, distribute, or dispense controlled dangerous substances; and

(2) perform any activity listed in item (1) of this subsection to conduct research.

(e) A person need not register with the Department to possess a controlled dangerous substance while acting in the course of the person's business or profession if the person is:

(1) an agent or agent's employee of a registered manufacturer, distributor, or dispenser of a controlled dangerous substance;

(2) a common or contract carrier or warehouseman, or an employee of a common or contract carrier or warehouseman; or

(3) an ultimate user or person in possession of a controlled dangerous substance acting in good faith in accordance with a lawful order of an authorized provider.

(f) If the Department finds that a waiver is consistent with public health and safety, by regulation, the Department may waive the registration requirement for a manufacturer, distributor, or dispenser.

§5–302.

(a) A registration expires on the date set by the Department unless it is renewed for an additional term as provided in this section.

(b) A registration may not be renewed for more than 3 years.

§5–303.

(a) Unless the Department determines that the issuance of the registration is inconsistent with the public interest, the Department shall register an applicant to manufacture or distribute controlled dangerous substances included in Schedule I through Schedule V.

(b) To determine the public interest, the Department shall consider:

(1) the maintenance of effective controls against diversion of particular controlled dangerous substances and any Schedule I or Schedule II substance compounded from a controlled dangerous substance into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable federal, State, and local law;

(3) any convictions of the applicant under federal, State, and local laws relating to the manufacture, distribution, or dispensing of controlled dangerous substances;

(4) the applicant's experience in the manufacture and distribution of controlled dangerous substances and the effectiveness of the applicant's controls against diversion; and

(5) any other factor that is relevant to and consistent with public health and safety.

(c) (1) A registrant may manufacture or distribute only a controlled dangerous substance that is specified in the registration.

(2) A manufacturer or distributor who complies with federal law on registration, other than fees, is deemed to have complied with this section.

(d) (1) A registrant may distribute controlled dangerous substances in Schedule I and Schedule II only in accordance with an order form.

(2) A registrant who complies with federal law on order forms for Schedule I and Schedule II is deemed to have complied with this subsection.

(e) (1) A registrant distributor shall report to the Department and the Office of the Attorney General any suspicious order of controlled dangerous substances, including an order:

(i) of unusual size;

(ii) of unusual frequency; or

(iii) that deviates substantially from a normal pattern.

(2) A registrant distributor may satisfy the reporting requirement under paragraph (1) of this subsection by providing to the Department and the Office of the Attorney General copies of reports made under 21 C.F.R. § 1301.74(b).

(3) Unless disclosed in the course of an administrative, civil, or criminal investigation or proceeding initiated to enforce local, State, or federal law or to protect the public health, a report made under paragraph (1) of this subsection shall be maintained confidentially.

§5–304.

(a) If an authorized provider is authorized to dispense or conduct research under State law, the Department shall register the authorized provider to dispense a controlled dangerous substance or to conduct research with a controlled dangerous substance listed in Schedule II through Schedule V.

(b) An authorized provider who prescribes a controlled dangerous substance listed in Schedule II through Schedule V shall be registered with the Prescription Drug Monitoring Program described in Title 21, Subtitle 2A of the Health – General Article before obtaining a new or renewal registration with the Department under subsection (a) of this section.

(c) The Department need not require separate registration under this section for an authorized provider who is:

(1) engaged in research with a nonnarcotic controlled dangerous substance in Schedule II through Schedule V; and

(2) already registered under this subtitle in another capacity.

(d) An authorized provider may conduct research in the State with a controlled dangerous substance listed in Schedule I if the authorized provider is registered under federal law to conduct research with a controlled dangerous substance listed in Schedule I and gives evidence of the registration to the Department.

§5–305.

In accordance with regulations that the Department adopts, the Department may inspect the establishment of a registrant or applicant for registration.

§5–306.

(a) This section does not apply to an authorized provider who lawfully prescribes or administers, but does not otherwise dispense, a controlled dangerous substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V.

(b) (1) A registrant shall make a complete and accurate record of all stocks of controlled dangerous substances on hand every 2 years during the regular fiscal inventory.

(2) The registrant shall keep the record for 2 years.

(c) Records shall contain the information required by regulations that the Department adopts.

(d) A registrant who complies with federal law on records and reports is deemed to have complied with this section.

§5–307.

(a) Subject to the notice and hearing provisions of § 5–308 of this subtitle, the Department may deny a registration to any applicant, suspend or revoke a registration, or refuse to renew a registration if the Department finds that the applicant or registrant:

(1) has materially falsified an application filed in accordance with or required by this title;

(2) has been convicted of a crime under federal law or the law of any state relating to a controlled dangerous substance;

(3) has surrendered federal registration or had federal registration suspended or revoked and may no longer manufacture, distribute, or dispense a controlled dangerous substance;

(4) has violated this title; or

(5) has failed to meet the requirements for registration under this title.

(b) The Department may limit revocation or suspension of a registration to the particular controlled dangerous substance for which grounds for revocation or suspension exist.

(c) The Department may limit an initial registration or the renewal of a registration to the particular controlled dangerous substance for which grounds for denial or refusal to issue or renew exist.

§5–308.

(a) (1) Before the Department takes action under § 5-307 of this subtitle, the Department shall serve on the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended or its renewal refused.

(2) The order to show cause shall:

(i) contain a statement of the basis of the proposed denial, revocation, suspension, or refusal; and

(ii) order the applicant or registrant to appear before the Department at a time and place stated in the order, but not less than 30 days after the date of receipt of the order.

(3) If the Department proposes to deny a renewal of registration, the order to show cause shall be served at least 30 days before the registration expires.

(b) Proceedings to deny, revoke, or suspend a registration or renewal of a registration shall be conducted in accordance with the Administrative Procedure Act.

(c) (1) The proceedings under this section shall be independent of and not instead of any criminal prosecution or other proceeding under State law.

(2) Except as provided in subsection (d) of this section, an existing registration:

(i) is not abated by proceedings to refuse renewal of registration; and

(ii) shall remain in effect pending the outcome of the proceedings under this section.

(d) (1) The Department may suspend a registration simultaneously with the institution of proceedings under this section if the Department finds that an imminent danger exists to public health or safety.

(2) The suspension shall continue until the earliest of:

(i) the end of all proceedings, including any judicial review;

(ii) withdrawal by the Department of the suspension; or

(iii) dissolution of the suspension by the appropriate circuit court.

§5–309.

(a) If the Department suspends or revokes a registration, the Department may place under seal all controlled dangerous substances that the registrant owns or possesses at the time of the suspension or revocation in accordance with the registration.

(b) Unless the court on request orders the sale of perishable substances and the deposit of the proceeds of the sale with the court, a disposition may not be made of controlled dangerous substances under seal until the time for taking an appeal has elapsed or until all appeals end.

(c) When a revocation order becomes final, all controlled dangerous substances placed under seal in accordance with this section shall be forfeited to the State.

§5–310.

The Department shall notify promptly the federal Drug Enforcement Administration of each order that suspends or revokes registration and each forfeiture of a controlled dangerous substance under this subtitle.

§5–401.

(a) The substances included in the schedules in this subtitle are controlled dangerous substances whether designated by official name, common or usual name, chemical name, or trade name.

(b) For purposes of this subtitle, a drug is a depressant or stimulant drug if:

(1) it is lysergic acid diethylamide; or

(2) it contains any quantity of:

(i) barbituric acid or a salt of barbituric acid;

(ii) a derivative of barbituric acid that is designated as habit forming under the Federal Food, Drug, and Cosmetic Act;

(iii) amphetamine or its optical isomers;

(iv) a salt of amphetamine or a salt of an optical isomer of amphetamine;

(v) a substance that the Attorney General of the United States designates as habit–forming because of its stimulant effect on the central nervous system; or

(vi) a substance that the Attorney General of the United States designates as having a potential for abuse because of:

1. a depressant or stimulant effect on the central nervous system; or

2. a hallucinogenic effect.

§5–402.

(a) Schedule I consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule I by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule I controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) Unless specifically excepted under this subtitle or listed in another schedule, any of the following opiates, including their isomers, including optical and geometric isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation, are substances listed in Schedule I:

(1) acetyl–alpha–methylfentanyl;

(2) acetylmethadol;

(3) acetyl fentanyl (n–(1–phenethylpiperidine–4–yl)–n–phenylacetamide);

(4) ah–7921 (3,4–dichloro–n–[(1–dimethylamino)cyclohexylmethyl])benzamide;

(5) allylprodine;

(6) alphacetylmethadol, except levoalphacetylmethadol;

(7) alphameprodine;

(8) alphamethadol;

(9) alpha–methylfentanyl;

(10) alpha–methylthiofentanyl;

(11) benzethidine;

(12) betacetylmethadol;

(13) beta–hydroxyfentanyl;

(14) beta–hydroxy–3–methylfentanyl;

(15) betameprodine;

(16) betamethadol;

(17) betaprodine;

(18) clonitazene;

(19) dextromoramide;

(20) diampromide;

(21) diethylthiambutene;

(22) difenoxin;

(23) dimenoxadol;

(24) dimepheptanol;

(25) dimethylthiambutene;

(26) dioxaphetyl butyrate;

(27) dipipanone;

(28) ethylmethylthiambutene;

(29) etonitazene;

(30) etoxeridine;

(31) furethidine;

(32) hydroxypethidine;

(33) ketobemidone;

(34) levomoramide;

(35) levophenacylmorphan;

(36) 3–methylfentanyl (n–3–methyl–1–(2–phenylethyl)–4–piperidyl–1–n–phenylpropanamide);

(37) 3–methylthiofentanyl;

(38) morpheridine;

(39) MPPP (1–methyl–4–phenyl–4–propionoxypiperidine);

(40) noracymethadol;

(41) norlevorphanol;

(42) normethadone;

(43) norpipanone;

(44) para–fluorofentanyl;

(45) PEPAP (1–(2–phenethyl)–4–phenyl–4–acetoxypiperidine);

(46) phenadoxone;

(47) phenampromide;

(48) phenomorphan;

(49) phenoperidine;

(50) piritramide;

(51) proheptazine;

(52) properidine;

(53) propiram;

(54) racemoramide;

(55) thiofentanyl;

(56) tilidine; and

(57) trimeperidin.

(c) Unless specifically excepted under this subtitle or listed in another schedule, any of the following opium derivatives, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, are substances listed in Schedule I:

(1) acetorphine;

(2) acetyldihydrocodeine;

(3) benzylmorphine;

(4) codeine methylbromide;

(5) codeine–N–oxide;

(6) cyprenorphine;

(7) desomorphine;

(8) dihydromorphine;

(9) drotebanol;

(10) etorphine (except hydrochloride salt);

(11) heroin;

(12) hydromorphinol;

(13) methyldesorphine;

(14) methyldihydromorphine;

(15) morphine methylbromide;

(16) morphine methylsulfonate;

(17) morphine–N–oxide;

(18) myrophine;

(19) nicocodeine;

(20) nicomorphine;

(21) normorphine;

(22) pholcodine; and

(23) thebacon.

(d) Unless specifically excepted under this subtitle or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, or that contains any of its salts, isomers, including optical, position, and geometric isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

(1) alpha–ethyltryptamine;

(2) 4–bromo–2,5–dimethoxy–amphetamine;

(3) 4–bromo–2,5–dimethoxyphenethylamine;

(4) 2,5–dimethoxyamphetamine;

(5) 2,5–dimethoxy–4–ethylamphetamine (DOET);

(6) 2,5–dimethoxy–4–(n)–propylthiophenethylamine (2c–t–7);

(7) 4–methoxyamphetamine (PMA);

(8) 5–methoxy–3,4–methylenedioxy–amphetamine;

(9) 4–methyl–2,5–dimethoxy–amphetamine;

(10) 3,4–methylenedioxy amphetamine;

(11) 3,4–methylenedioxymethamphetamine (MDMA);

(12) 3,4–methylenedioxy–n–ethylamphetamine (MDA);

(13) n–hydroxy–3,4–methylenedioxyamphetamine;

(14) 3,4,5–trimethoxyamphetamine;

(15) 5–methoxy–n, n–dimethyltryptamine;

(16) alpha–methyltryptamine (AMT);

(17) bufotenine;

(18) diethyltryptamine (DET);

(19) dimethyltryptamine (DMT);

(20) 5–methoxy–n, n–diisopropyltryptamine (5–MEO–DIPT);

(21) ibogaine;

(22) lysergic acid diethylamide;

(23) marijuana;

(24) mescaline;

(25) parahexyl;

(26) peyote (meaning all parts of the plant presently classified botanically as Lophophora williamsii lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or extracts);

(27) n–ethyl–3–piperidyl benzilate;

(28) n–methyl–3–piperidyl benzilate;

(29) psilocybin;

(30) psilocyn;

(31) tetrahydrocannabinols;

(32) ethylamine analog of phencyclidine (N–ethyl–1–phenylcyclohexylamine);

(33) pyrrolidine analog of phencyclidine (1–(1–phenylcyclohexyl)–pyrrolidine);

(34) thiophene analog of phencyclidine (1–(1–(2–thienyl)–cyclohexyl)–piperidine);

(35) 1–[1–(2–thienyl)cyclohexyl]pyrrolidine;

(36) 3, 4–methylenedioxypyrovalerone (MDPV);

(37) 4–methylmethcathinone (mephedrone);

(38) 4–methoxymethcathinone (methedrone);

(39) 2–(2,5–dimethoxy–4–ethylphenyl) ethanamine (2c–e);

(40) 2–(2,5–dimethoxy–4–methylphenyl) ethanamine (2c–d);

(41) 2–(4–chloro–2,5–dimethoxyphenyl) ethanamine (2c–c);

(42) 2–(4–iodo–2,5–dimethoxyphenyl) ethanamine (2c–i);

(43) 2–(4–ethylthio–2,5–dimethoxyphenyl) ethanamine (2c–t–2);

(44) 2–(4–isopropylthio)–2,5–dimethoxyphenyl) ethanamine (2c–t–4);

(45) 2–(2,5–dimethoxyphenyl) ethanamine (2c–h);

(46) 2–(2,5–dimethoxy–4–(n)–propylphenyl) ethanamine (2c–p);

(47) 3,4–methylenedioxymethcathinone (methylone);

(48) (1–pentyl–1h–indol–3–yl) (2,2,3,3–tetramethylcyclopropyl) methanone (ur–144);

(49) [1–(5–fluoro–pentyl)–1h–indol–3–yl](2,2,3,3–tetramethylcyclopropyl) methanone (5–fluoro–ur–144, xlr11);

(50) n–(1–adamantyl)–1–pentyl–1h–indazole–3–carboxamide (apinaca, akb48);

(51) quinolin–8–yl 1–pentyl–1h–indole–3–carboxylate (pb–22);

(52) quinolin–8–yl 1–(5–fluoropentyl)–1h–indole–3–carboxylate (5–fluoro–pb–22);

(53) n–(1–amino–3–methyl–1–oxobutan–2–yl)–1–(4–fluorobenzyl)–1h–indazole–3–carboxamide (ab–fubinaca);

(54) n–(1–amino–3, 3–dimethyl–1–oxobutan–2–yl)–1–pentyl–1h–indazole–3–carboxamide (adb–pinaca);

(55) 2–(4–iodo–2,5–dimethoxyphenyl)–n–(2–methoxybenzyl) ethanamine (25I–nbome);

(56) 2–(4–chloro–2,5–dimethoxyphenyl)–n–(2–methoxybenzyl) ethanamine (25C–nbome);

(57) 2–(4–bromo–2,5–dimethoxyphenyl)–n–(2–methoxybenzyl) ethanamine (25B–nbome);

(58) marijuana extract (meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus cannabis, other than the separated resin, whether crude or purified, obtained from the plant);

(59) 4–methyl–n–ethylcathinone (4–MEC);

(60) 4–methyl–alpha–pyrrolidinopropiophenone (4–MEPPP);

(61) alpha–pyrrolidinopentiophenone (A–PVP);

(62) 1–(1,3–benzodioxol–5–yl)–2–(methylamino) butan–1–one (butylone);

(63) 2–(methylamino)–1–phenylpentan–1–one (pentedrone);

(64) 1–(1,3–benzodioxol–5–yl)–2–(methylamino) pentan–1–one (pentylone);

(65) 4–fluoro–n–methylcathinone (flephedrone);

(66) 3–fluoro–n–methylcathinone (3–FMC);

(67) cannabimimetic agents;

(68) 1–(naphthalen–2–yl)–2–(pyrrolidin–1–yl)pentan–1–one (naphyrone); and

(69) alpha–pyrrolidinobutiophenone (A–PBP).

(e) Unless specifically excepted under this subtitle or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, or that contains their salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

(1) 5–(1, 1–dimethylheptyl)–2–[(1r,3s)–3–hydroxycyclohexyl]–phenol (cp–47,497);

(2) 5–(1,1–dimethyloctyl)–2–[(1r,3s)3–hydroxycyclohexyl]–phenol (cp–47,497 c8 homologue);

(3) 1–pentyl–3–(1–naphthoyl) indole (JWH–018 and AM678)

(4) 1–butyl–3–(1–naphthoyl) indole (JWH–073);

(5) 1–hexyl–3–(1–naphthoyl) indole (JWH–019);

(6) 1–[2–(4–morpholinyl)ethyl]–3–(1–naphthoyl) indole (JWH–200);

(7) 1–pentyl–3–(2–methoxyphenylacetyl) indole (JWH–250);

(8) 1–pentyl–3–(1–(4–methoxynaphthoyl) indole (JWH–081);

(9) 1–pentyl–3–(4–methyl–1–naphthoyl) indole (JWH–122);

(10) 1–pentyl–3–(4–chloro–1–naphthoyl) indole (JWH–398);

(11) 1–(5–fluoropentyl)–3–(1–naphthoyl) indole (AM2201);

(12) 1–(5–fluoropentyl)–3–(2–iodobenzoyl) indole (AM694);

(13) 1–pentyl–3–[(4–methoxy)–benzoyl] indole (SR–19 and RCS–4);

(14) 1–cyclohexylethyl–3–(2–methoxyphenylacetyl) indole (SR–18 and RCS–8); and

(15) 1–pentyl–3–(2–chlorophenylacetyl) indole (JWH–203).

(f) Unless specifically excepted under this subtitle or listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having depressant effects on the central nervous system, or that contains its salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

(1) mecloqualone;

(2) methaqualone; and

(3) gamma–hydroxybutyric acid.

(g) Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, or that contains its salts, isomers, or salts of isomers, is a substance listed in Schedule I:

(1) aminorex;

(2) n–benzylpiperazine;

(3) cathinone;

(4) fenethylline;

(5) methcathinone;

(6) 4–methylaminorex;

(7) (±)CIS–4–methylaminorex;

(8) n–ethylamphetamine; and

(9) n, n–dimethylamphetamine.

(h) (1) In this subsection:

(i) "controlled dangerous substance analogue" means a substance:

1. that has a chemical structure substantially similar to the chemical structure of a controlled dangerous substance listed in Schedule I or Schedule II; and

2. that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance listed in Schedule I or Schedule II; but

(ii) "controlled dangerous substance analogue" does not include:

1. a controlled dangerous substance;

2. a substance for which there is an approved new drug application; or

3. a substance exempted for investigational use under § 506 of the Federal Food, Drug, and Cosmetic Act.

(2) To the extent intended for human consumption, each controlled dangerous substance analogue is a substance listed in Schedule I.

(i) The Department may not add a substance to Schedule I under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) no accepted medical use in the United States for the substance; and

(3) a lack of accepted safety for use of the substance under medical supervision.

§5–403.

(a) Schedule II consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule II by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule II controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) (1) Unless the substance is listed in another schedule and except as provided in paragraph (2) of this subsection, opium and opiate, and a salt, compound, derivative, or preparation of opium or opiate is a substance listed in Schedule II, including:

(i) raw opium;

(ii) opium extracts;

(iii) opium fluid extract;

(iv) opium fluid;

(v) powdered opium;

(vi) granulated opium;

(vii) tincture of opium;

(viii) codeine;

(ix) dextropropoxyhene bulk (nondosage form);

(x) dihydroetorphine;

(xi) ethylmorphine;

(xii) etorphine hydrochloride;

(xiii) hydrocodone;

(xiv) hydromorphone;

(xv) metopon;

(xvi) morphine;

(xvii) oripavine;

(xviii) oxycodone;

(xix) oxymorphone; and

(xx) thebaine.

(2) Apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, are not substances listed in Schedule II.

(3) Substances listed in Schedule II also include:

(i) except for the isoquinoline alkaloids of opium, a salt, compound, derivative, or preparation that is chemically equivalent or identical to a substance listed in paragraph (1) of this subsection;

(ii) opium poppy, poppy straw, and poppy straw concentrate;

(iii) coca leaf;

(iv) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(v) ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

(vi) a compound, mixture, or preparation that contains any of the substances listed in this section.

(4) A substance that is listed in Schedule II is included whether produced:

(i) directly or indirectly by extraction from substances of vegetable origin;

(ii) independently by chemical synthesis; or

(iii) by a combination of extraction and chemical synthesis.

(c) (1) These opiates are substances listed in Schedule II:

(i) alfentanil;

(ii) alphaprodine;

(iii) anileridine;

(iv) bezitramide;

(v) carfentanil;

(vi) dihydrocodeine;

(vii) diphenoxylate;

(viii) dronabinol (in oral solution);

(ix) fentanyl;

(x) isomethadone;

(xi) levoalphacetylmethadol;

(xii) levomethorphan;

(xiii) levorphanol;

(xiv) metazocine;

(xv) methadone;

(xvi) methadone – intermediate, 4–cyano–2–dimethylamino–4, 4–diphenyl butane;

(xvii) moramide – intermediate, 2–methyl–3– morpholino–1, 1–diphenyl–propane–carboxylic acid;

(xviii) pethidine;

(xix) pethidine – intermediate – A, 4–cyano–1–methyl–4–phenylpiperidine;

(xx) pethidine – intermediate – B, ethyl–4–phenylpiperidine–4–carboxylate;

(xxi) pethidine – intermediate – C, 1–methyl–4–phenylpiperidine–4–carboxylic acid;

(xxii) phenazocine;

(xxiii) piminodine;

(xxiv) racemethorphan;

(xxv) racemorphan;

(xxvi) remifentanil;

(xxvii) sulfentanil;

(xxviii) tapentadol; and

(xxix) thiafentanil.

(2) Unless specifically excepted under this subtitle, an isomer, ester, ether, or salt of an opiate and a salt of an isomer, ester, or ether is a substance listed in Schedule II if the existence of the isomer, ester, ether, or salt is possible within the specific chemical designation.

(d) A substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) phenmetrazine and its salts;

(3) a substance that contains any methamphetamine, including salts, optical isomers, and salts of its optical isomers, in combination with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(4) methylphenidate;

(5) methamphetamine, its salts, optical isomers, and salts of optical isomers; and

(6) lisdexamfetamine, its salts, isomers, and salts of isomers.

(e) (1) Unless specifically excepted under this subtitle or listed in another schedule, a substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

(i) amobarbital;

(ii) glutethimide;

(iii) secobarbital;

(iv) pentobarbital;

(v) phencyclidine;

(vi) 1–(1–phenylcyclohexyl) piperidine;

(vii) 1–phenylcyclohexylamine; and

(viii) 1–piperidinocyclohexanecarbonitrile.

(2) Unless specifically excepted under this subtitle or listed in another schedule, a salt, isomer, or salt of an isomer of a substance listed in this subsection is included in Schedule II if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.

(f) The Department may not add a substance to Schedule II under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) currently accepted medical use of the substance in the United States, or currently accepted medical use with severe restrictions; and

(3) evidence that abuse of the substance may lead to severe psychological or physical dependence.

§5–404.

(a) Schedule III consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule III by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule III controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) (1) Substances listed in Schedule III include:

(i) nalorphine; and

(ii) except as provided in paragraph (2) of this subsection, an anabolic steroid consisting of a material, compound, or preparation that includes:

1. 13beta–ethyl–17beta–hydroxygon–4–en–3–one;

2. 17alpha–methyl–3alpha, 17beta–dihydroxy–5alpha–androstane;

3. 17alpha–methyl–3beta, 17beta–dihydroxyandrost–4–ene;

4. 17alpha–methyl–4–hydroxynandrolone;

5. 17alpha–methyl–delta1–dihydrotestosterone;

6. 19–nor–4,9(10)–androstadienedione;

7. 19–nor–4–androstenediol;

8. 19–nor–4–androstenedione;

9. 19–nor–5–androstenediol;

10. 19–nor–5–androstenedione;

11. 1–androstenediol;

12. 1–androstenedione;

13. 3alpha,17beta–dihydroxy–5–alpha–androstane;

14. 4–androstenediol (4–AD);

15. 4–androstenedione;

16. 4–hydroxy–19–nortestosterone;

17. 4–hydroxytestosterone;

18. 5–androstenedione;

19. bolasterone;

20. boldenone;

21. boldione;

22. calusterone;

23. chlorotestosterone;

24. clostebol;

25. dehydrochlormethyltestosterone;

26. desoxymethyltestosterone;

27. dihydrotestosterone;

28. drostanolone;

29. ethylestroenol;

30. fluoxymesterone;

31. formobulone;

32. furazabol;

33. mesterolone;

34. methandienone;

35. methandranone;

36. methandriol;

37. methandrostenolone;

38. methasterone;

39. methenolone;

40. methyldienolone;

41. methyltestosterone;

42. methyltrienolone;

43. mibolerone;

44. nandrolone;

45. norclostebol;

46. norethandrolone;

47. normethandrolone;

48. oxandrolone;

49. oxymesterone;

50. oxymetholone;

51. prostanozol;

52. stanolone;

53. stanozolol;

54. stenbolone;

55. testolactone;

56. testosterone;

57. tetrahydrogestrinone;

58. trenbolone; and

59. any isomer, ester, salt, or derivative of a substance listed in this paragraph.

(2) The following substances are not included in Schedule III:

(i) an estrogen, progestin, or corticosteroid; or

(ii) a substance covered by paragraph (1) of this subsection if:

1. expressly intended for administration through implants to cattle or other nonhuman species; and

2. approved for that use by the Food and Drug Administration.

(c) (1) Unless listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:

(i) benzphetamine;

(ii) chlorphentermine;

(iii) clortermine;

(iv) mazindol; and

(v) phendimetrazine.

(2) Subject to paragraph (3) of this subsection, substances in Schedule III include:

(i) a salt of a substance listed in this subsection;

(ii) an optical, position, or geometric isomer of a substance listed in this subsection; or

(iii) a salt of an isomer of a substance listed in this subsection.

(3) Unless listed in another schedule, a salt, isomer, or salt of an isomer described in paragraph (2) of this subsection may be included in Schedule III only if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

(d) Unless listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) except those substances that are specifically listed in other schedules, a substance that contains any quantity of a derivative of barbituric acid, or a salt of a derivative of a barbituric acid;

(2) aprobarbital;

(3) butabarbital (secbutabarbital);

(4) butalbital (fiorinal);

(5) butobarbital (butethal);

(6) chlorhexadol;

(7) embutramide;

(8) gamma hydroxybutyric acid preparations;

(9) lysergic acid;

(10) lysergic acid amide;

(11) methyprylon;

(12) pentazocine;

(13) perampanel (FYCOMPA);

(14) sulfondiethylmethane;

(15) sulfonethylmethane;

(16) sulfonmethane;

(17) talbutal;

(18) thiamylal;

(19) thiopental; and

(20) vinbarbital.

(e) (1) Substances listed in Schedule III include a material, compound, mixture, or preparation that contains limited quantities of any of these narcotic drugs or their salts:

(i) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(ii) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(iii) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(iv) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(v) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(vi) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(vii) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(viii) not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit;

(ix) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and

(x) buprenorphine.

(2) Substances listed in Schedule III include a compound, mixture, or preparation or salt of a compound, mixture, or preparation and another active medicinal ingredient that is not listed in another schedule and that contains:

(i) amobarbital;

(ii) secobarbital; or

(iii) pentobarbital.

(3) If not combined with one or more active medicinal ingredients that are listed in another schedule, substances listed in Schedule III include a suppository dosage form or salt of a suppository dosage that contains:

(i) amobarbital;

(ii) secobarbital; or

(iii) pentobarbital.

(f) Substances listed in Schedule III include:

(1) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration–approved product;

(2) ketamine, its salts, isomers, and salts of isomers; and

(3) fioricet (containing butalbital, acetominophen, and caffeine).

(g) The Department may not add a substance to Schedule III under § 5–202 of this title unless the Department finds:

(1) a potential for abuse of the substance that is less than that for the substances listed in Schedule I and Schedule II;

(2) well documented and approved medical use of the substance in the United States; and

(3) evidence that abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

§5–405.

(a) Schedule IV consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule IV by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule IV controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) alfaxalone;

(2) alprazolam;

(3) barbital;

(4) bromazepam;

(5) butorphanol;

(6) camazepam;

(7) carisoprodol;

(8) cathine +/– (norpseudoepedrine);

(9) chloral betaine;

(10) chloral hydrate;

(11) chlordiazepoxide;

(12) clobazam;

(13) clonazepam;

(14) clorazepate;

(15) clotiazepam;

(16) cloxazolam;

(17) delorazepam;

(18) dexfenfluramine;

(19) dextropropoxyphene dosage forms;

(20) diazepam;

(21) dichloralphenazone;

(22) eluxadoline (viberzi);

(23) estazolam;

(24) ethchlorvynol;

(25) ethinamate;

(26) ethylloflazepate;

(27) fencamfamin;

(28) fenproporex;

(29) fludiazepam;

(30) flunitrazepam;

(31) flurazepam;

(32) halazepam;

(33) haloxazolam;

(34) ketazolam;

(35) loprazolam;

(36) lorazepam;

(37) lormetazepam;

(38) mebutamate;

(39) medazepam;

(40) mefenorex;

(41) methohexital;

(42) meprobamate;

(43) methylphenobarbital;

(44) midazolam;

(45) modafinil;

(46) nimetazepam;

(47) nitrozepam;

(48) nordiazepam;

(49) oxazepam;

(50) oxazolam;

(51) paraldehyde;

(52) petrichloral;

(53) phenobarbital;

(54) pinazepam;

(55) pipradrol;

(56) prazepam;

(57) quazepam;

(58) sibutramine;

(59) SPA (lefetamine);

(60) suvorexant (belsomra);

(61) temazepam;

(62) tetrazepam;

(63) tramadol;

(64) triazolam;

(65) zaleplon (sonata);

(66) zolpidem (ambien); and

(67) zopiclone (lunesta).

(c) Substances listed in Schedule IV include:

(1) a material, compound, mixture, or preparation that contains fenfluramine; and

(2) if its existence is possible:

(i) a salt of fenfluramine;

(ii) an optical, position, or geometric isomer of fenfluramine; and

(iii) a salt of an isomer of fenfluramine.

(d) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) diethylpropion;

(2) pemoline, including organometallic complexes and their chelates; and

(3) phentermine.

(e) By regulation, the Department may exempt from this section a compound, mixture, or preparation that contains a depressant substance listed in subsection (b) of this section if:

(1) the compound, mixture, or preparation contains an active medicinal ingredient that does not have a depressant effect on the central nervous system; and

(2) the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

(f) The Department may not add a substance to Schedule IV under § 5–202 of this title unless the Department finds that:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

§5–406.

(a) Schedule V consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule V by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule V controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) A substance is listed in Schedule V if the substance includes a compound, mixture, or preparation that contains the following narcotic drugs or their salts:

(1) (i) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(ii) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(iii) not more than 50 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(iv) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(v) brivaracetam;

(vi) difenoxin preparations 0.5mg/25ug ATSO4/DU (MOTOFEN);

(vii) ezogabine (potiga);

(viii) lacosamide (vimpat);

(ix) pregabalin (lyrica); or

(x) pyrovalerone; and

(2) nonnarcotic active medicinal ingredients in sufficient proportion to confer on the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

(c) The Department may not add a substance to Schedule V under § 5–202 of this title unless the Department finds:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule IV;

(2) the substance has currently accepted medical use in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence liability relative to the substances listed in Schedule IV.

§5–501.

(a) Except as provided in subsection (b) of this section, a person may not dispense a controlled dangerous substance without a written prescription from an authorized provider if the substance is:

(1) listed in Schedule II; and

(2) a drug to which § 21-220 of the Health - General Article applies.

(b) A controlled dangerous substance to which subsection (a) of this section applies may be dispensed without a written prescription by:

(1) an authorized provider who:

(i) is not a pharmacist; and

(ii) dispenses the controlled dangerous substance directly to an ultimate user; or

(2) a pharmacist if:

(i) an emergency exists;

(ii) the pharmacist dispenses the drug under regulations of the Department on an oral prescription that the pharmacist reduces promptly to writing and keeps on file; and

(iii) federal law authorizes the oral prescription.

(c) A prescription for a controlled dangerous substance listed in Schedule II shall be kept on file in conformity with the requirements for records and inventories under § 5-306 of this title.

(d) A person may not refill a prescription for a controlled dangerous substance listed in Schedule II.

§5–502.

An authorized provider may not dispense methadone, directly or by prescription, unless:

(1) the authorized provider is associated with a controlled drug therapy program authorized by the Department; or

(2) an emergency or medical situation exists under regulations that the Department adopts in cooperation with the Medical and Chirurgical Faculty of Maryland.

§5–503.

(a) In this section, "opium" includes:

(1) codeine; and

(2) a natural or synthetic compound, manufactured substance, salt, derivative, mixture, or preparation of opium.

(b) (1) Except on a valid prescription of an authorized prescriber as defined in § 12-101 of the Health Occupations Article, a person may not dispense, give, or sell a preparation containing opium or any of its derivatives.

(2) This subsection does not apply to:

(i) a sale made to an authorized provider; or

(ii) a sale made by a manufacturer, distributor, or licensed pharmacy to a hospital or institution that operates a dispensary in which an authorized provider is in charge.

(c) (1) Except on a prescription from an authorized prescriber as defined in § 12-101 of the Health Occupations Article, a person may not possess or control a preparation containing opium or its derivatives.

(2) A person may possess or control a preparation containing opium or its derivatives if the possession or control is in the regular course of lawful business, occupation, profession, employment, or duty of the person.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, a fine not exceeding $1,000;

(2) for a second violation, a fine not exceeding $2,000; or

(3) for each subsequent violation, imprisonment not exceeding 18 months.

§5–504.

(a) Except when dispensed directly to an ultimate user by an authorized provider who is not a pharmacist, a controlled dangerous substance listed in Schedule III or Schedule IV that is a drug to which § 21-220 of the Health - General Article applies may not be dispensed without a written or oral prescription.

(b) Unless renewed by the authorized provider, the prescription may not be:

(1) filled or refilled more than 6 months after the date of prescription; or

(2) refilled more than five times.

§5–505.

(a) A controlled dangerous substance listed in Schedule V may not be distributed or dispensed except for a medical purpose.

(b) When dispensing the controlled dangerous substance, an authorized provider shall securely affix to the container, in addition to any other label already there, a label with:

(1) the dispenser's name, signature, and registry number;

(2) the date on which the controlled dangerous substance is dispensed; and

(3) the purchaser's name.

§5–601.

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) the counterfeiting or alteration of a prescription or a written order;

(iii) the concealment of a material fact;

(iv) the use of a false name or address;

(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(i) for a first conviction, imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both;

(ii) for a second or third conviction, imprisonment not exceeding 18 months or a fine not exceeding $5,000 or both; or

(iii) for a fourth or subsequent conviction, imprisonment not exceeding 2 years or a fine not exceeding $5,000 or both.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana is guilty of a misdemeanor of possession of marijuana and is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(ii) 1. A first finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding $100.

2. A second finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding $250.

3. A third or subsequent finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding $500.

4. A. In addition to a fine, a court shall order a person under the age of 21 years who commits a violation punishable under subsubparagraph 1, 2, or 3 of this subparagraph to attend a drug education program approved by the Maryland Department of Health, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

B. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under subsubparagraph 3 of this subparagraph to attend a drug education program approved by the Maryland Department of Health, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

C. A court that orders a person to a drug education program or substance abuse assessment or treatment under this subsubparagraph may hold the case sub curia pending receipt of proof of completion of the program, assessment, or treatment.

(3) (i) 1. In this paragraph the following words have the meanings indicated.

2. "Bona fide physician–patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient's medical condition.

3. "Caregiver" means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

A. is a resident of the State;

B. is at least 21 years old;

C. is an immediate family member, a spouse, or a domestic partner of the patient;

D. has not been convicted of a crime of violence as defined in § 14–101 of this article;

E. has not been convicted of a violation of a State or federal controlled dangerous substances law;

F. has not been convicted of a crime of moral turpitude;

G. has been designated as caregiver by the patient in writing that has been placed in the patient's medical record prior to arrest;

H. is the only individual designated by the patient to serve as caregiver; and

I. is not serving as caregiver for any other patient.

4. "Debilitating medical condition" means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

A. cachexia or wasting syndrome;

B. severe or chronic pain;

C. severe nausea;

D. seizures;

E. severe and persistent muscle spasms; or

F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, the court shall dismiss the charge.

(iii) 1. In a prosecution for the use or possession of marijuana under this section, it is an affirmative defense that the defendant used or possessed marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution for the possession of marijuana under this section, it is an affirmative defense that the defendant possessed marijuana because the marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subsubparagraph unless the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4–262 and 4–263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or

B. in possession of more than 1 ounce of marijuana.

(4) A violation of this section involving the smoking of marijuana in a public place is a civil offense punishable by a fine not exceeding $500.

(d) The provisions of subsection (c)(2)(ii) of this section making the possession of marijuana a civil offense may not be construed to affect the laws relating to:

(1) operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance; or

(2) seizure and forfeiture.

(e) (1) (i) Before imposing a sentence under subsection (c) of this section, the court may order the Maryland Department of Health or a certified and licensed designee to conduct an assessment of the defendant for substance use disorder and determine whether the defendant is in need of and may benefit from drug treatment.

(ii) If an assessment for substance use disorder is requested by the defendant and the court denies the request, the court shall state on the record the basis for the denial.

(2) On receiving an order under paragraph (1) of this subsection, the Maryland Department of Health, or the designee, shall conduct an assessment of the defendant for substance use disorder and provide the results to the court, the defendant or the defendant's attorney, and the State identifying the defendant's drug treatment needs.

(3) The court shall consider the results of an assessment performed under paragraph (2) of this subsection when imposing the defendant's sentence and:

(i) except as provided in subparagraph (ii) of this paragraph, the court shall suspend the execution of the sentence and order probation and, if the assessment shows that the defendant is in need of substance abuse treatment, require the Maryland Department of Health or the designee to provide the medically appropriate level of treatment as identified in the assessment; or

(ii) the court may impose a term of imprisonment under subsection (c) of this section and order the Division of Correction or local correctional facility to facilitate the medically appropriate level of treatment for the defendant as identified in the assessment.

§5–601.1.

(a) A police officer shall issue a citation to a person who the police officer has probable cause to believe has committed a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana.

(b) (1) A violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana is a civil offense.

(2) Adjudication of a violation under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana:

(i) is not a criminal conviction for any purpose; and

(ii) does not impose any of the civil disabilities that may result from a criminal conviction.

(c) (1) A citation issued for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana shall be signed by the police officer who issues the citation and shall contain:

(i) the name, address, and date of birth of the person charged;

(ii) the date and time that the violation occurred;

(iii) the location at which the violation occurred;

(iv) the fine that may be imposed;

(v) a notice stating that prepayment of the fine is allowed, except as provided in paragraph (2) of this subsection; and

(vi) a notice in boldface type that states that the person shall:

1. pay the full amount of the preset fine; or

2. request a trial date at the date, time, and place established by the District Court by writ or trial notice.

(2) (i) If a citation for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana is issued to a person under the age of 21 years, the court shall summon the person for trial.

(ii) If the court finds that a person at least 21 years old who has been issued a citation under this section has at least twice previously been found guilty under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana, the court shall summon the person for trial.

(d) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.

(e) (1) The Chief Judge of the District Court shall establish a schedule for the prepayment of the fine.

(2) Prepayment of a fine shall be considered a plea of guilty to a Code violation.

(3) A person described in subsection (c)(2) of this section may not prepay the fine.

(f) (1) A person may request a trial by sending a request for trial to the District Court in the jurisdiction where the citation was issued within 30 days of the issuance of the citation.

(2) If a person other than a person described in subsection (c)(2) of this section does not request a trial or prepay the fine within 30 days of the issuance of the citation, the court may impose the maximum fine and costs against the person and find the person is guilty of a Code violation for purposes of subsection (c)(2)(ii) of this section.

(g) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(h) (1) The failure of a defendant to respond to a summons described in subsection (c)(2) of this section shall be governed by § 5–212 of the Criminal Procedure Article.

(2) If a person at least 21 years old fails to appear after having requested a trial, the court may impose the maximum fine and costs against the person and find the person is guilty of a Code violation for purposes of subsection (c)(2)(ii) of this section.

(i) In any proceeding for a Code violation under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana:

(1) the State has the burden to prove the guilt of the defendant by a preponderance of the evidence;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of a criminal case;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross–examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, and to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court.

(2) The court costs in a Code violation case under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana in which costs are imposed are $5.

(k) (1) The State's Attorney for any county may prosecute a Code violation under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under § 5–601 of this part involving the use or possession of less than 10 grams of marijuana, the State's Attorney may:

(i) enter a nolle prosequi or move to place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

(l) A person issued a citation for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(m) A citation for a violation of § 5–601 of this part involving the use or possession of less than 10 grams of marijuana and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public Web site maintained by the Maryland Judiciary if:

(1) the defendant has prepaid the fine;

(2) the defendant has pled guilty to or been found guilty of the Code violation and has fully paid the fine and costs imposed for the violation;

(3) the defendant has received a probation before judgment and has fully paid the fine and completed any terms imposed by the court;

(4) the case has been removed from the stet docket after the defendant fully paid the fine and completed any terms imposed by the court;

(5) the State has entered a nolle prosequi;

(6) the defendant has been found not guilty of the charge; or

(7) the charge has been dismissed.

§5–602.

Except as otherwise provided in this title, a person may not:

(1) distribute or dispense a controlled dangerous substance; or

(2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.

§5–603.

Except as otherwise provided in this title, a person may not manufacture a controlled dangerous substance, or manufacture, distribute, or possess a machine,

equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance in violation of this title.

§5–604.

(a) In this section, "counterfeit substance" means a controlled dangerous substance, or its container or labeling, that:

(1) without authorization, bears a likeness of the trademark, trade name, or other identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser other than the actual manufacturer, distributor, or dispenser; and

(2) thereby falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser.

(b) Except as otherwise provided in this title, a person may not:

(1) create or distribute a counterfeit substance; or

(2) possess a counterfeit substance with intent to distribute it.

(c) Except as otherwise provided in this title, a person may not manufacture, distribute, or possess equipment that is designed to print, imprint, or reproduce an authentic or imitation trademark, trade name, other identifying mark, imprint, number, or device of another onto a drug or the container or label of a drug, rendering the drug a counterfeit substance.

§5–605.

(a) "Common nuisance" means a dwelling, building, vehicle, vessel, aircraft, or other place:

(1) resorted to by individuals for the purpose of administering illegally controlled dangerous substances; or

(2) where controlled dangerous substances or controlled paraphernalia are manufactured, distributed, dispensed, stored, or concealed illegally.

(b) A person may not keep a common nuisance.

§5–606.

(a) Except as otherwise provided in this title, a person may not pass, issue, make, or possess a false, counterfeit, or altered prescription for a controlled dangerous substance with intent to distribute the controlled dangerous substance.

(b) Information that is communicated to an authorized prescriber in an effort to obtain a controlled dangerous substance in violation of subsection (a) of this section is not a privileged communication.

§5–607.

(a) Except as provided in §§ 5–608 and 5–609 of this subtitle, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $15,000 or both.

(b) A person convicted under this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

§5–608.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle with respect to a Schedule I or Schedule II narcotic drug is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $15,000 or both.

(b) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 20 years or a fine not exceeding $15,000 or both if the person previously has been convicted once:

(1) under subsection (a) of this section or § 5–609 of this subtitle;

(2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle; or

(3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State.

(c) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to

imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction:

1. under subsection (a) of this section or § 5–609 or § 5–614 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle; or

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; and

(ii) has been convicted twice, if the convictions arise from separate occasions:

1. under subsection (a) of this section or § 5–609 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle;

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; or

4. of any combination of these crimes.

(2) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 40 years or a fine not exceeding $25,000 or both if the person previously has served three or more separate terms of confinement as a result of three or more separate convictions:

(1) under subsection (a) of this section or § 5–609 of this subtitle;

(2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle;

(3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; or

(4) of any combination of these crimes.

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

§5–608.1.

(a) A person may not knowingly violate § 5–602 of this subtitle with:

(1) a mixture that contains heroin and a detectable amount of fentanyl or any analogue of fentanyl; or

(2) fentanyl or any analogue of fentanyl.

(b) A person who violates this section is guilty of a felony and, in addition to any other penalty imposed for a violation of § 5–602 of this subtitle, on conviction is subject to imprisonment not exceeding 10 years.

(c) A sentence imposed under this section shall be consecutive to and not concurrent with any other sentence imposed under any other provision of law.

§5–609.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle with respect to any of the following controlled dangerous substances is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $15,000 or both:

(1) phencyclidine;

(2) 1–(1–phenylcyclohexyl) piperidine;

(3) 1–phenylcyclohexylamine;

(4) 1–piperidinocyclohexanecarbonitrile;

(5) N–ethyl–1–phenylcyclohexylamine;

(6) 1–(1–phenylcyclohexyl)–pyrrolidine;

(7) 1–(1–(2–thienyl)–cyclohexyl)–piperidine;

(8) lysergic acid diethylamide; or

(9) 750 grams or more of 3, 4–methylenedioxymethamphetamine (MDMA).

(b) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 20 years or a fine not exceeding $15,000 or both if the person previously has been convicted once:

(1) under subsection (a) of this section or § 5–608 of this subtitle;

(2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;

(3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or

(4) of any combination of these crimes.

(c) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 25 years or a fine not exceeding $25,000 or both if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction under subsection (a) of this section, § 5–608 of this subtitle, or § 5–614 of this subtitle; and

(ii) if the convictions do not arise from a single incident, has been convicted twice:

1. under subsection (a) of this section or § 5–608 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or

4. of any combination of these crimes.

(2) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 40 years or a fine not exceeding $25,000 or both if the person previously has served three separate terms of confinement as a result of three separate convictions:

(1) under subsection (a) of this section or § 5–608 of this subtitle;

(2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;

(3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or

(4) of any combination of these crimes.

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

§5–609.1.

(a) Notwithstanding any other provision of law and subject to subsection (c) of this section, a person who is serving a term of confinement that includes a mandatory minimum sentence imposed on or before September 30, 2017, for a violation of §§ 5–602 through 5–606 of this subtitle may apply to the court to modify or reduce the mandatory minimum sentence as provided in Maryland Rule 4–345, regardless of whether the defendant filed a timely motion for reconsideration or a motion for reconsideration was denied by the court.

(b) The court may modify the sentence and depart from the mandatory minimum sentence unless the State shows that, giving due regard to the nature of the crime, the history and character of the defendant, and the defendant's chances of successful rehabilitation:

(1) retention of the mandatory minimum sentence would not result in substantial injustice to the defendant; and

(2) the mandatory minimum sentence is necessary for the protection of the public.

(c) (1) Except as provided in paragraph (2) of this subsection, an application for a hearing under subsection (a) of this section shall be submitted to the court or review panel on or before September 30, 2018.

(2) The court may consider an application after September 30, 2018, only for good cause shown.

(3) The court shall notify the State's Attorney of a request for a hearing.

(4) A person may not file more than one application for a hearing under subsection (a) of this section for a mandatory minimum sentence for a violation of §§ 5–602 through 5–606 of this subtitle.

§5–610.

(a) In addition to any other penalty provided by law, a person who is convicted or found to have committed a delinquent act under § 5-602, § 5-603, § 5-604, § 5-605, or § 5-606 of this subtitle may be ordered by the court to pay restitution for actual costs reasonably incurred in cleaning up or remediating laboratories or other facilities operated for the illegal manufacture of a controlled dangerous substance.

(b) If the person convicted or found to have committed a delinquent act is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in subsection (a) of this section.

§5–612.

(a) A person may not manufacture, distribute, dispense, or possess:

(1) 50 pounds or more of marijuana;

(2) 448 grams or more of cocaine;

(3) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of cocaine;

(4) 448 grams or more of cocaine base, commonly known as "crack";

(5) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(6) 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(7) 5 grams or more of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;

(8) 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of fentanyl or any structural variation of fentanyl that is scheduled by the United States Drug Enforcement Administration;

(9) 1,000 dosage units or more of lysergic acid diethylamide;

(10) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

(11) 16 ounces or more of phencyclidine in liquid form;

(12) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of phencyclidine;

(13) 448 grams or more of methamphetamine; or

(14) 448 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of methamphetamine.

(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, distributing, dispensing, or

possessing under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90–day period.

(c) (1) A person who is convicted of a violation of subsection (a) of this section shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding $100,000.

(2) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(3) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

§5–613.

(a) In this section, "drug kingpin" means an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into the State a controlled dangerous substance.

(b) (1) A drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the State a controlled dangerous substance in an amount listed in § 5-612 of this subtitle is guilty of a felony and on conviction is subject to imprisonment for not less than 20 years and not exceeding 40 years without the possibility of parole or a fine not exceeding $1,000,000 or both.

(2) A court may not suspend any part of the mandatory minimum sentence of 20 years.

(3) The person is not eligible for parole during the mandatory minimum sentence.

(c) It is not a defense to a prosecution under this section that the controlled dangerous substance was brought into or transported in the State solely for ultimate distribution or dispensing in another jurisdiction.

(d) Notwithstanding any other provision of this title, a conviction under this section does not merge with the conviction for any crime that is the object of the conspiracy.

(e) The provisions of § 6-220 of the Criminal Procedure Article do not apply to a conviction under this section.

(f) This section does not:

(1) prohibit a court from imposing an enhanced penalty under § 5-905 of this title; or

(2) preclude or limit a prosecution for any other crime.

§5–614.

(a) (1) Unless authorized by law to possess the substance, a person may not bring into the State:

(i) 45 kilograms or more of marijuana;

(ii) 28 grams or more of cocaine;

(iii) any mixture containing 28 grams or more of cocaine;

(iv) 4 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;

(v) 1,000 dosage units of lysergic acid diethylamide;

(vi) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;

(vii) 28 grams or more of phencyclidine in liquid or powder form;

(viii) 112 grams or more of any mixture containing phencyclidine;

(ix) 1,000 dosage units or more of methaqualone;

(x) 28 grams or more of methamphetamine;

(xi) any mixture containing 28 grams or more of methamphetamine; or

(xii) 4 grams or more of fentanyl or a fentanyl analogue.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $50,000 or both.

(b) (1) Unless authorized by law to possess the marijuana, a person may not bring into the State more than 5 kilograms but less than 45 kilograms of marijuana.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§5–617.

(a) A person may not distribute, attempt to distribute, or possess with intent to distribute a noncontrolled substance:

(1) that the person represents as a controlled dangerous substance;

(2) that the person intends for use or distribution as a controlled dangerous substance; or

(3) under circumstances where one reasonably should know that the noncontrolled substance will be used or distributed for use as a controlled dangerous substance.

(b) To determine if a person has violated this section, the court or other authority shall include in its consideration:

(1) whether the noncontrolled substance was packaged in a manner normally used to distribute a controlled dangerous substance illegally;

(2) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of consideration was substantially greater than the reasonable value of the noncontrolled substance; and

(3) whether the physical appearance of the noncontrolled substance is substantially identical to that of a controlled dangerous substance.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $15,000 or both.

(d) It is not a defense to a prosecution under this section that the defendant believed that the noncontrolled substance was a controlled dangerous substance.

§5–618.

(a) Except as authorized in this title, a person may not possess or purchase a noncontrolled substance that the person reasonably believes is a controlled dangerous substance.

(b) To determine if a person has violated this section, the court shall include in its consideration:

(1) whether the noncontrolled substance was packaged in a manner normally used to illegally distribute a controlled dangerous substance;

(2) if the noncontrolled substance was purchased, whether the amount of the consideration was substantially greater than the reasonable value of the noncontrolled substance; and

(3) whether the physical appearance of the noncontrolled substance is substantially identical to that of a controlled dangerous substance.

(c) It is not a defense to a prosecution under this section that the substance a person possessed or purchased was not a controlled dangerous substance if the person reasonably believed that it was a controlled dangerous substance.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

§5–619.

(a) To determine whether an object is drug paraphernalia, a court shall consider, among other logically relevant factors:

(1) any statement by an owner or a person in control of the object concerning its use;

(2) any prior conviction of an owner or a person in control of the object under a State or federal law relating to a controlled dangerous substance;

(3) the proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;

(4) a residue of a controlled dangerous substance on the object;

(5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who, the owner or the person

knows or should reasonably know, intends to use the object to facilitate a violation of this section;

(6) any instructions, oral or written, provided with the object concerning its use;

(7) any descriptive materials accompanying the object that explain or depict its use;

(8) national and local advertising concerning use of the object;

(9) the manner in which the object is displayed for sale;

(10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or other legitimate supplier of related items to the community;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community; and

(13) expert testimony concerning use of the object.

(b) The innocence of an owner or a person in control of the object as to a direct violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(c) (1) This subsection does not apply to the use or possession of drug paraphernalia involving the use or possession of marijuana.

(2) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(4) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (3)(ii) of this subsection.

(d) (1) Unless authorized under this title, a person may not deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that the drug paraphernalia will be used to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding $15,000 or both.

(e) (1) A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under circumstances where one reasonably should know, that the purpose of the

advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

§5–620.

(a) Unless authorized under this title, a person may not:

(1) obtain or attempt to obtain controlled paraphernalia by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) counterfeiting a prescription or a written order;

(iii) concealing a material fact or the use of a false name or address;

(iv) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(v) making or issuing a false or counterfeit prescription or written order; or

(2) possess or distribute controlled paraphernalia under circumstances which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a controlled dangerous substance.

(b) Evidence of circumstances that reasonably indicate an intent to use controlled paraphernalia to manufacture, administer, distribute, or dispense a controlled dangerous substance unlawfully include the close proximity of the controlled paraphernalia to an adulterant, diluent, or equipment commonly used to illegally manufacture, administer, distribute, or dispense controlled dangerous substances, including:

(1) a scale;

(2) a sieve;

(3) a strainer;

(4) a measuring spoon;

(5) staples;

(6) a stapler;

(7) a glassine envelope;

(8) a gelatin capsule;

(9) procaine hydrochloride;

(10) mannitol;

(11) lactose;

(12) quinine; and

(13) a controlled dangerous substance.

(c) Information that is communicated to a physician to obtain controlled paraphernalia from the physician in violation of this subtitle is not a privileged communication.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding $25,000 or both.

(2) A person who violates this section involving the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§5–621.

(a) (1) In this section the following words have the meanings indicated.

(2) "Drug trafficking crime" means a felony or a conspiracy to commit a felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance under §§ 5–602 through 5–609 and 5–614 of this subtitle.

(3) "Forfeiting authority" means the office or person designated by agreement between the State's Attorney for a county and the chief executive officer of the governing body that has jurisdiction over the assets subject to forfeiture.

(b) During and in relation to a drug trafficking crime, a person may not:

(1) possess a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime; or

(2) use, wear, carry, or transport a firearm.

(c) (1) In addition to the sentence provided for the drug trafficking crime, a person who violates subsection (b) of this section is guilty of a felony and on conviction is subject to:

(i) for a first violation, imprisonment for not less than 5 years and not exceeding 20 years; or

(ii) for each subsequent violation, imprisonment for not less than 10 years and not exceeding 20 years.

(2) (i) The court shall impose a minimum sentence of 5 years under paragraph (1)(i) of this subsection.

(ii) The court shall impose a minimum sentence of 10 years under paragraph (1)(ii) of this subsection.

(3) (i) A court may not suspend any part of a mandatory minimum sentence.

(ii) Except as provided in § 4-305 of the Correctional Services Article, a person sentenced under this subsection is not eligible for parole.

(iii) A sentence imposed under paragraph (1)(ii) of this subsection shall be consecutive to and not concurrent with any other sentence imposed by virtue of the commission of the drug trafficking crime.

(d) (1) (i) In this subsection, "firearm silencer" means a device that is designed for silencing, muffling, or diminishing the report of a firearm.

(ii) "Firearm silencer" includes a combination of parts designed, redesigned, or intended for use in assembling or fabricating a firearm silencer or muffler.

(2) A court shall double the minimum mandatory sentence provided in subsection (c)(1)(ii) of this section if the firearm used during and in relation to a drug trafficking crime is:

(i) listed in § 4-301 of this article or § 5-101 of the Public Safety Article;

(ii) a machine gun; or

(iii) equipped with a firearm silencer.

(e) (1) A firearm or ammunition seized under this section is contraband and shall be forfeited summarily to a forfeiting authority.

(2) Unless otherwise prohibited by law or if forfeiture proceedings have begun, the forfeiting authority shall return the seized property to the owner or possessor within 90 days after the date of seizure if:

(i) the owner or possessor of the property seized is acquitted; or

(ii) the charges against the person are dismissed.

(3) Unless otherwise prohibited by law, the forfeiting authority shall return the seized property to the owner or possessor promptly if the State:

(i) enters a nolle prosequi against the owner or possessor of property seized; and

(ii) does not charge the person within 90 days after the nolle prosequi is entered.

§5–622.

(a) In this section, "firearm" includes:

(1) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those words are defined in § 4-201 of this article;

(2) a machine gun, as defined in § 4-401 of this article; and

(3) a regulated firearm, as defined in § 5-101 of the Public Safety Article.

(b) A person may not possess, own, carry, or transport a firearm if that person has been convicted of:

(1) a felony under this title;

(2) a crime under the laws of another state or of the United States that would be a felony under this title if committed in this State;

(3) conspiracy to commit a crime referred to in items (1) and (2) of this subsection; or

(4) an attempt to commit a crime referred to in items (1) and (2) of this subsection.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

§5–623.

(a) (1) In this section the following words have the meanings indicated.

(2) "Drug crime" means:

(i) a crime under this title; or

(ii) a crime committed in another jurisdiction that would be a crime under this title if committed in this State.

(3) "Financial transaction" means:

(i) a payment;

(ii) a purchase;

(iii) a sale;

(iv) a loan;

(v) a pledge;

(vi) a transfer;

(vii) a delivery;

(viii) a deposit;

(ix) a withdrawal; or

(x) an extension of credit or exchange of a monetary instrument or equivalent property, including precious metals, stones or jewelry, airline tickets, stamps, or credit in a financial institution as defined in § 1-101 of the Financial Institutions Article.

(4) "Monetary instrument" means:

(i) coin or currency of the United States or any other country;

(ii) a bank check;

(iii) a travelers' check;

(iv) a money order;

(v) an investment security; or

(vi) a negotiable instrument.

(5) "Proceeds" means money or any other property with a value exceeding $10,000.

(b) Except for a financial transaction necessary to preserve a person's right to representation as guaranteed by the 6th Amendment to the United States Constitution and Article 21 of the Maryland Declaration of Rights, a person may not, with the intent to promote a drug crime or with the intent to conceal or disguise the nature, location, source, ownership, or control of proceeds of a drug crime:

(1) receive or acquire proceeds knowing that the proceeds are derived from a drug crime;

(2) engage in a financial transaction involving proceeds knowing that the proceeds are derived from a drug crime;

(3) give, sell, transfer, trade, invest, conceal, transport, or maintain an interest in proceeds knowing that the proceeds are derived from a drug crime;

(4) direct, promote, plan, organize, initiate, finance, manage, supervise, or facilitate the transportation or transfer of proceeds knowing that the proceeds are derived from a drug crime; or

(5) conduct a financial transaction involving proceeds knowing that the proceeds are derived from a drug crime.

(c) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first violation:

(i) imprisonment not exceeding 5 years;

(ii) a fine not exceeding the greater of $250,000 or twice the value of the proceeds involved in the financial transaction; or

(iii) both; or

(2) for each subsequent violation:

(i) imprisonment not exceeding 10 years;

(ii) a fine not exceeding the greater of $500,000 or 5 times the value of the proceeds involved in the financial transaction; or

(iii) both.

(d) Notwithstanding any other provision of law, for purposes of this section each financial transaction is a separate violation.

§5–624.

(a) In this section, "drug" does not include alcohol.

(b) A person may not administer a controlled dangerous substance or other drug to another without that person's knowledge and commit against that other:

(1) a crime of violence as defined in § 14-101 of this article; or

(2) a sexual offense in the third degree under § 3-307 of this article.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

§5–627.

(a) A person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in violation of § 5–602 of this subtitle or conspire to commit any of these crimes:

(1) in a school vehicle, as defined under § 11–154 of the Transportation Article; or

(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education.

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(c) (1) A person who violates this section is guilty of a felony and on conviction is subject to:

(i) for a first violation, imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both; or

(ii) for each subsequent violation, imprisonment not less than 5 years and not exceeding 40 years or a fine not exceeding $40,000 or both.

(2) (i) The court may not suspend the 5–year minimum sentence required by paragraph (1)(ii) of this subsection.

(ii) Except as otherwise provided in § 4–305 of the Correctional Services Article, a person sentenced under paragraph (1)(ii) of this subsection is not eligible for parole during this period of the 5–year minimum sentence.

(3) A sentence imposed under paragraph (1) of this subsection shall be consecutive to any other sentence imposed.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–607, § 5–608, § 5–609, § 5–612, § 5–613, or § 5–628 of this subtitle.

(e) (1) In a prosecution under this section, a map or certified copy of a map made by a county or municipal unit to depict the location and boundaries of the area within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for school purposes is admissible as prima facie evidence of the location and boundaries of the depicted area, if the governing body of the county or municipal corporation approves the map or certified copy of the map as an official record of the location and boundaries of the depicted area.

(2) The map or a certified copy of the map shall be filed with the county or municipal corporation, which shall maintain the map or the certified copy of the map as an official record.

(3) The governing body of the county or municipal corporation may revise periodically the map or certified copy of the map.

(4) This subsection does not preclude the prosecution from introducing other evidence to establish an element of a crime under this section.

(5) This subsection does not preclude the use or admissibility of maps or diagrams other than those approved by the county or municipal corporation.

§5–628.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person may not hire, solicit, engage, or use a minor to manufacture, deliver, or distribute on behalf of that person a controlled dangerous substance in sufficient quantity to reasonably indicate under all the circumstances an intent to distribute the controlled dangerous substance.

(ii) This paragraph does not prohibit a person from hiring, soliciting, engaging, or using a minor to manufacture, deliver, or distribute a controlled dangerous substance if the manufacturing, delivering, or distributing has a lawful purpose.

(2) A person may not transport, carry, or otherwise bring a minor into the State to use the minor to violate this section or § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-612, § 5-613, § 5-617, or § 5-627 of this subtitle.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both.

§5–701.

(a) Sections 5-701 through 5-704 of this subtitle apply to:

(1) the sale of prescription drugs by a manufacturer, wholesale distributor, retail pharmacist, or jobber to a person not legally qualified or authorized to purchase and hold prescription drugs for use or resale; and

(2) an authorized provider's assistant who is not licensed to administer prescription drugs.

(b) A person may not dispense a prescription drug except:

(1) on an authorized provider's:

(i) written prescription; or

(ii) oral prescription that the pharmacist reduces to writing and files; or

(2) by refilling a written or oral prescription that is authorized:

(i) by the authorized provider in the original prescription; or

(ii) by oral direction that the pharmacist reduces to writing and files.

(c) A person may not dispense a prescription drug by filling or refilling a written or oral prescription of an authorized provider unless the drug bears a label that, in addition to any requirements of the Department or federal law, contains:

(1) the name and address of the dispenser;

(2) the serial number and date of the prescription;

(3) the name of the authorized provider; and

(4) if stated in the prescription, the name and address of the patient and the directions for use.

(d) Except as otherwise provided under this title, a person may not:

(1) manufacture, distribute, or possess with intent to distribute a prescription drug;

(2) affix a false or counterfeit label to a package, container, or other receptacle containing a prescription drug;

(3) omit, remove, alter, or obliterate a label or symbol that is required by federal, State, or local law on a prescription drug; or

(4) obtain or attempt to obtain a prescription drug by:

(i) fraud, deceit, or misrepresentation;

(ii) the counterfeiting or altering of a prescription or written order;

(iii) concealing a material fact;

(iv) using a false name or address;

(v) falsely assuming the title of or falsely representing that the person is a manufacturer, distributor, or authorized provider; or

(vi) making or issuing a false or counterfeit prescription or written order.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§5–702.

(a) (1) This subsection applies to a person engaged in the business of selling prescription drugs, controlled dangerous substances, medicines, chemicals, or preparations for medical use or of compounding or dispensing these in accordance with physicians' prescriptions.

(2) A person subject to this subsection may not knowingly sell or deliver to another a drug, medicine, chemical, or preparation for medicinal use that is recognized or authorized by the latest edition of the United States Pharmacopoeia

and National Formulary or prepared according to the private formula of another that is:

(i) other or different from the prescription drug, controlled dangerous substance, medicine, chemical, or preparation that is ordered or called for by the person; or

(ii) except as authorized under § 12-504 of the Health Occupations Article, called for in a prescription of a physician or other authorized provider.

(b) Subsection (a) of this section applies to a person acting on the person's own behalf or as an agent or employee of some other person.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment of not less than 1 month and not exceeding 1 year or a fine of not less than $100 and not exceeding $500 or both.

(2) If a person convicted under this section holds a license under Title 12 of the Health Occupations Article, the license shall be revoked in accordance with § 12-313(c) of the Health Occupations Article.

§5–703.

(a) This section does not apply to the mailing of a drug to a person who under State law is authorized to disburse, prescribe, or administer the drug.

(b) A person may not send by mail a prescription drug, controlled dangerous substance, or medicine to "Resident", "Occupant", or to a named addressee who has not requested that the prescription drug, controlled dangerous substance, or medicine be mailed.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§5–704.

The Department may adopt regulations to administer and enforce §§ 5-701 through 5-703 of this subtitle.

§5–705.

(a) Subject to subsection (c) of this section, in a criminal case involving counterfeiting of a prescription under this title, an affidavit by an authorized provider may be introduced as evidence that:

(1) the signature on a prescription of the authorized provider has been counterfeited;

(2) the individual named on the prescription was not a patient of the authorized provider; or

(3) the individual named on the prescription did not have a prescription from the authorized provider for the named prescription drug or controlled dangerous substance or did not have a prescription for that quantity of the prescription drug or controlled dangerous substance.

(b) The affidavit shall:

(1) be attached to a copy of the prescription;

(2) be given under oath subject to the penalty of perjury;

(3) declare that the prescription is counterfeit or altered;

(4) describe in detail the parts of the prescription that have been counterfeited; and

(5) state whether a patient relationship exists between the individual named on the prescription and the authorized provider.

(c) (1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit as provided under subsection (b) of this section, the State shall provide written notice to the defendant that the State intends to:

(i) rely on the affidavit; and

(ii) introduce the affidavit into evidence at the proceeding.

(2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.

§5–708.

(a) (1) This section applies to fingernail polish, model airplane glue, or any other substance that causes intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system when smelled or inhaled.

(2) This section does not apply to:

(i) the inhalation of anaesthesia for medical or dental purposes; or

(ii) controlled dangerous substances.

(b) (1) A person may not deliberately smell or inhale a substance listed in paragraph (2) of this subsection in an amount that causes intoxication, excitement, stupefaction, or dulling of the brain or nervous system.

(2) This section applies to a drug or any other noxious substance or chemical that contains:

(i) an aldehyde;

(ii) butane;

(iii) butyl nitrite;

(iv) a chlorinated hydrocarbon;

(v) ether;

(vi) a fluorinated hydrocarbon;

(vii) a ketone;

(viii) methyl benzene;

(ix) nitrous oxide;

(x) an organic acetate; or

(xi) another substance containing solvents releasing toxic vapors.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§5–709.

(a) In this section, "distribute" includes actual, constructive, or attempted transfer, exchange, or delivery, regardless of remuneration or agency relationship.

(b) A person may not distribute or possess with intent to distribute to another a substance listed in § 5-708 of this subtitle:

(1) with the intent to induce unlawful inhaling of the substance; or

(2) with the knowledge that the other will unlawfully inhale the substance.

(c) A person may not:

(1) instruct another in the practice of inhaling or smelling that is prohibited under § 5-708(b) of this subtitle; or

(2) distribute a butane canister to a minor.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $1,000 or both.

§5–710.

(a) In this section, "human growth hormone" means:

(1) somatrem, somatropin, and any of their analogues; or

(2) a substance labeled as being or containing somatrem or somatropin and any analogue of somatrem or somatropin.

(b) This section applies to an athletic facility, commercial health club, public recreation center, weight training gym, school gymnasium, or other establishment operated primarily for the exercise, physical fitness, athletic training, or physical education of the individuals who use the facility.

(c) The operator of a facility subject to this section shall obtain and affix at least one warning notice in each locker room maintained in the facility.

(d) (1) The lettering in each warning notice shall be at least 1 inch high and shall be conspicuously placed for maximum possible visibility.

(2) The warning notice shall read:

Warning

The nonprescription use, possession, or distribution of anabolic steroids or human growth hormone is illegal in the State of Maryland. On conviction, violators are subject to imprisonment or a fine or both.

§5–801.

Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this title and Title 12 of the Criminal Procedure Article throughout the State without regard to any limitation otherwise applicable to that department's activities in a municipal corporation or other political subdivision.

§5–802.

(a) (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, a municipal corporation, or a county may investigate and otherwise enforce this title and Title 12 of the Criminal Procedure Article throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Secretary of the State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(b) If action is taken under the authority granted in this section, notification of an investigation or enforcement action shall be made:

(1) in a municipal corporation, to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, to the chief of police or designee of the chief of police;

(3) in a county without a police department, to the sheriff or designee of the sheriff;

(4) in Baltimore City, to the Police Commissioner or the Police Commissioner's designee; and

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, to the chief of police of the Maryland Transportation Authority or the chief's designee.

(c) When acting under the authority granted in this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

§5–803.

(a) (1) The Secretary of State Police may pay a person the sum of money that the Secretary considers appropriate for information about a violation of this title.

(2) The money shall:

(i) be paid without reference to any reward to which the person may otherwise be entitled by law; and

(ii) be from funds appropriated for the Department of State Police, Intelligence Division.

(b) Money that is expended from appropriations of the Department of State Police, Intelligence Division, for purchase of controlled dangerous substances and that is subsequently recovered shall be reimbursed to the current appropriation for that Department.

(c) The Secretary of State Police may advance money to enforce this section.

§5–804.

(a) In this section, "administrative probable cause" means a valid public interest in the effective enforcement of this title or regulations sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the administrative inspection warrant.

(b) On showing of administrative probable cause, a judge of the State may issue an administrative inspection warrant to conduct:

(1) administrative inspections authorized by this title; and

(2) seizures of property appropriate to the inspections.

(c) (1) An administrative inspection warrant shall issue only on an affidavit:

(i) of a designated officer or employee with knowledge of the facts alleged;

(ii) that is sworn to before the judge; and

(iii) that establishes the grounds for issuing the warrant.

(2) If the judge is satisfied that grounds for the application exist or that there is administrative probable cause to believe they exist, the judge shall issue an administrative inspection warrant that identifies:

(i) the area, premises, building, or conveyance to be inspected;

(ii) the purpose of the inspection; and

(iii) where appropriate, the type of property to be inspected.

(3) The warrant shall be directed to a person authorized to execute it.

(4) The warrant shall:

(i) identify the item or type of property to be seized;

(ii) state the grounds for its issuance and the name of the affiant;

(iii) require the person to whom the warrant is directed to inspect the area, premises, building, or conveyance identified for the specified purpose;

(iv) require, where appropriate, the seizure of the specified property;

(v) require that the warrant be served during normal business hours; and

(vi) designate the judge to whom the warrant is to be returned.

(d) (1) An administrative inspection warrant issued in accordance with this section shall be executed and returned within 10 days after its date.

(2) If property is seized in accordance with an administrative inspection warrant, the person who executes the warrant:

(i) shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken; or

(ii) shall leave the copy and receipt at the place from which the property was taken.

(3) The warrant shall be returned promptly and be accompanied by a written inventory of any property taken.

(4) The inventory shall be made in the presence of the person executing the warrant and:

(i) the person from whose possession or premises the property was taken; or

(ii) if that person is not present, at least one other credible person.

(5) On request, the judge shall deliver a copy of the inventory to:

(i) the person from whom or from whose premises the property was taken; and

(ii) the applicant for the warrant.

(6) A judge who issues an administrative inspection warrant under this section shall:

(i) attach to the warrant a copy of the return and all papers filed in connection with the return; and

(ii) file them with the clerk of the court from which the warrant was issued.

§5–805.

(a) In this section, "controlled premises" means:

(1) a place where a registrant or person exempted from registration requirements under this title is required to keep records; or

(2) a place, including a factory, warehouse, establishment, or conveyance, where a registrant or person exempted from registration requirements under this title may possess, manufacture, compound, process, sell, deliver, or dispose of a controlled dangerous substance.

(b) The Department may make administrative inspections of controlled premises in accordance with this section and designate those who may seize property under this section.

(c) An officer or employee designated by the Department may enter controlled premises to conduct an administrative inspection:

(1) when authorized by an administrative inspection warrant issued under § 5-804 of this subtitle; and

(2) on presenting the warrant and appropriate credentials to the owner, operator, or agent in charge.

(d) When authorized by an administrative inspection warrant, an officer or employee designated by the Department may:

(1) inspect and copy records that must be kept under this title;

(2) inspect, within reasonable limits and in a reasonable manner:

(i) controlled premises and all pertinent equipment, finished and unfinished material, containers, and labeling in the controlled premises;

(ii) except as provided in subsection (e) of this section, all other things in the controlled premises, including records, files, papers, processes, controls, and facilities, bearing on violation of this title; and

(3) inventory stock and obtain samples of a controlled dangerous substance in the controlled premises.

(e) Without a warrant, the Department may inspect books and records in accordance with this title and enter and conduct administrative inspections, including seizures of property:

(1) with the consent of the owner, operator, or agent in charge of the controlled premises;

(2) in a situation that presents imminent danger to health or safety;

(3) in a situation that involves inspection of a conveyance where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(4) in any other exceptional or emergency situation in which time or opportunity to apply for a warrant is lacking; and

(5) in all other situations where a warrant is not legally required.

(f) Unless the owner, operator, or agent in charge of the controlled premises consents in writing, an inspection authorized under this section may not extend to:

(1) financial data;

(2) sales data other than shipment data; or

(3) pricing data.

§5–806.

The Department, the Attorney General, and the State's Attorney for a county may apply to the appropriate court for a temporary or permanent injunction to restrain a person from violating this title:

(1) whether or not an adequate remedy at law exists;

(2) in addition to the other remedies provided by this title; and

(3) notwithstanding any other law.

§5–807.

(a) (1) The State need not negate an exemption, proviso, or exception set forth in this title in:

(i) a complaint, information, indictment, or other pleading; or

(ii) a trial, hearing, or other proceeding under this title.

(2) The burden of proof to establish an exemption, proviso, or exception is on the person claiming its benefit.

(b) (1) In the absence of proof that a person is a registrant or holder of an order form issued under § 5–303(d) of this title, the person is presumed not to be a registrant or holder of a form.

(2) The person has the burden of proof to rebut the presumption.

§5–808.

(a) If the individual is engaged in the enforcement or prosecution of this title or other law relating to controlled dangerous substances, criminal liability may not be imposed under this title on:

(1) an authorized officer of the United States, this State, or a political subdivision of this State; or

(2) an authorized police department civilian employee of the United States, this State, or a political subdivision of this State.

(b) A public official or employee who is covered under subsection (a) of this section may temporarily possess controlled dangerous substances, drug paraphernalia, or controlled paraphernalia incidental to the discharge of official or employee duties.

§5–809.

Notwithstanding any other law, at a hearing relating to bail or sentencing arising out of a violation or alleged violation of this title, hearsay evidence is admissible if:

(1) the hearsay is relevant to the issue; and

(2) the underlying circumstances on which the hearsay is based and the reliability of the source of the information are demonstrated.

§5–810.

(a) (1) In this section the following words have the meanings indicated.

(2) "Drug crime" means:

(i) a violation of this title;

(ii) a violation of Title 12 of the Criminal Procedure Article; or

(iii) a violation of the law of any other jurisdiction if the prohibited conduct would be a violation of this title or Title 12 of the Criminal Procedure Article if committed in this State.

(3) "License" has the meaning stated in Article 41, § 1-501 of the Code.

(4) "Licensing authority" has the meaning stated in Article 41, § 1-501 of the Code.

(5) "Licensing information" means a statement of:

(i) each license held by the defendant on the date of sentencing;

(ii) the full name of the licensee as it appears on the license and, if different, as it appears in the court's docket;

(iii) the birth date of the licensee; and

(iv) the name of each licensing authority by whom the defendant is licensed.

(b) (1) If an individual is convicted of a drug crime, the court:

(i) shall determine at sentencing whether the individual holds a license; and

(ii) if the individual holds a license, shall obtain the licensing information.

(2) If the individual holds a license, at sentencing, the court shall make a prima facie finding of fact as to whether a relationship exists between the conviction and the license including:

(i) a determination of the individual's ability to perform the tasks authorized by the license;

(ii) a finding of whether the public will be protected if the individual continues to perform the tasks authorized by the license;

(iii) a finding of whether the nature and circumstances of the drug crime merit referral to the licensing authority; and

(iv) a finding of any other facts that the court considers relevant.

(3) If the court makes a prima facie finding of fact that a relationship between the conviction and the license exists, the court shall follow the procedures under subsection (c) of this section.

(c) (1) This subsection applies to a conviction of a licensee for a drug crime if:

(i) the licensee has at least one prior conviction or probation before judgment for a drug crime committed on or after January 1, 1991; or

(ii) 1. the licensee does not have a prior conviction or probation before judgment for a drug crime committed on or after January 1, 1991; and

2. the court makes a prima facie finding of fact that a relationship exists between the conviction and the license under subsection (b) of this section.

(2) On conviction of a licensee, the court shall:

(i) notify the clerk of the court of the determination; and

(ii) provide the clerk of the court with the licensing information.

(3) The clerk of the court shall certify and report the conviction and the licensing information to the licensing authority, under administrative orders that the Chief Judge of the Court of Appeals adopts.

(d) If the court makes a prima facie finding of fact under subsection (b) of this section that a relationship between the conviction and the license does not exist, the clerk may not certify or report to a licensing authority the conviction or the licensing information.

§5–901.

Notwithstanding any other law, a violation of this title shall be treated as if it were a felony for purposes of arrest, search, and seizure, whether or not a defendant is subsequently charged with or convicted of a violation that is a misdemeanor.

§5–902.

(a) Except as otherwise authorized by this title, a person may not:

(1) omit, remove, alter, or obliterate a symbol required by federal law for a substance governed by this title;

(2) refuse or fail to make, keep, or furnish a record, notification, order form, statement, invoice, or information required under this title;

(3) refuse entry into a premises or inspection, if the entry or inspection is authorized under this title; or

(4) as a registrant or other authorized person under this title, keep or maintain a store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or other place that is:

(i) resorted to by persons using a controlled dangerous substance in violation of this title for the purpose of using a controlled dangerous substance; or

(ii) used for keeping or selling a controlled dangerous substance in violation of this title.

(b) Unless authorized by the registrant's registration, a registrant may not manufacture, distribute, or dispense a controlled dangerous substance to another registrant or other authorized person.

(c) An authorized provider may not prescribe, administer, manufacture, distribute, dispense, or possess a controlled dangerous substance, drug paraphernalia, or controlled paraphernalia except:

(1) in the course of regular professional duties; and

(2) in conformity with this title and the standards of the authorized provider's profession relating to controlled dangerous substances, drug paraphernalia, or controlled paraphernalia.

(d) A controlled dangerous substance, drug paraphernalia, or controlled paraphernalia manufactured, distributed, dispensed, possessed, prescribed, or administered in violation of subsection (c) of this section is contraband.

(e) (1) If the trier of fact specifically finds that a person has knowingly or intentionally violated this section, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $100,000 or both.

(2) In all other cases, a person who violates this section is subject to a civil penalty not exceeding $50,000.

§5–903.

(a) In manufacturing or distributing a controlled dangerous substance, a person may not willfully use a registration number that is fictitious, revoked, suspended, or issued to another.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $100,000 or both.

§5–904.

(a) A registrant may not:

(1) distribute or dispense a controlled dangerous substance listed in Schedule I or Schedule II in violation of § 5-303(d) of this title; or

(2) distribute a controlled dangerous substance listed in Schedule I or Schedule II in the course of the registrant's legitimate business, except in accordance with an order form under § 5-303(d) of this title.

(b) (1) If the trier of fact specifically finds that a person knowingly or intentionally violated subsection (a)(1) of this section, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $100,000 or both.

(2) In all other cases, a person who violates subsection (a)(1) of this section is subject to a civil penalty not exceeding $50,000.

(3) A person who willfully violates subsection (a)(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $100,000 or both.

§5–905.

(a) Except as provided in subsection (e) of this section, a person convicted of a subsequent crime under this title is subject to:

(1) a term of imprisonment twice that otherwise authorized;

(2) twice the fine otherwise authorized; or

(3) both.

(b) For purposes of this section, a crime is considered a subsequent crime, if, before the conviction for the crime, the offender has ever been convicted of a crime under this title or under any law of the United States or of this or another state relating to other controlled dangerous substances.

(c) A person convicted of a subsequent crime under a law superseded by this title is eligible for parole, probation, and suspension of sentence in the same manner as those persons convicted under this title.

(d) A sentence on a single count under this section may be imposed in conjunction with other sentences under this title.

(e) A person whose prior and subsequent convictions were for a violation of § 5–601, § 5–602, § 5–603, § 5–604, § 5–605, or § 5–606 of this title is subject to this section only if the person was also previously convicted of a crime of violence as defined in § 14–101 of this article.

§5–906.

In addition to a penalty imposed under this title, a court may require an individual to complete the educational program on acquired immune deficiency syndrome (AIDS) developed under § 18-339 of the Health - General Article if:

(1) the individual pleads guilty or nolo contendere to, or is found guilty of, violating this title; and

(2) the judge believes the individual will attend and benefit from the program.

§5–907.

A penalty imposed for violation of this title is in addition to, and not instead of, any other civil or administrative penalty or sanction authorized by law.

§5–908.

(a) The Department may impose a civil penalty in an amount not exceeding $1,000 for each violation of this title.

(b) The Department shall adopt regulations to set standards for the imposition of penalties under this section.

(c) The Department shall remit a penalty imposed under this section to the General Fund of the State.

§5–1101.

This title may be cited as the "Maryland Controlled Dangerous Substances Act".

§6–101.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Dwelling" means a structure any part of which has been adapted for overnight accommodation of an individual, regardless of whether an individual is actually present.

(2) "Dwelling" includes a kitchen, shop, barn, stable, or outbuilding that is a parcel to, belongs to, or adjoins the dwelling.

(c) "Maliciously" means acting with intent to harm a person or property.

(d) (1) "Structure" means a building or other construction, a vehicle, or watercraft.

(2) "Structure" includes a:

(i) barn, stable, pier, wharf, and any facility attached to a pier or wharf;

(ii) tent, public building, or public bridge; and

(iii) railroad car.

(e) "Willfully" means acting intentionally, knowingly, and purposely.

§6–102.

(a) A person may not willfully and maliciously set fire to or burn:

(1) a dwelling; or

(2) a structure in or on which an individual who is not a participant is present.

(b) A person who violates this section is guilty of the felony of arson in the first degree and on conviction is subject to imprisonment not exceeding 30 years or a fine not exceeding $50,000 or both.

(c) It is not a defense to a prosecution under this section that the person owns the property.

§6–103.

(a) A person may not willfully and maliciously set fire to or burn a structure that belongs to the person or to another.

(b) A person who violates this section is guilty of the felony of arson in the second degree and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $30,000 or both.

(c) It is not a defense to a prosecution under this section that the person owns the property.

§6–104.

(a) This section applies to a violation involving property damage of $1,000 or more.

(b) A person may not willfully and maliciously set fire to or burn the personal property of another.

(c) A person who violates this section is guilty of the felony of malicious burning in the first degree and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

§6–105.

(a) This section applies to a violation involving property damage of less than $1,000.

(b) A person may not willfully and maliciously set fire to or burn the personal property of another.

(c) A person who violates this section is guilty of the misdemeanor of malicious burning in the second degree and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

§6–106.

(a) A person may not set fire to or burn property of any kind with the intent to defraud another.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

§6–107.

(a) A person may not threaten verbally or in writing to:

(1) set fire to or burn a structure; or

(2) explode a destructive device, as defined in § 4-501 of this article, in, on, or under a structure.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§6–108.

(a) A person may not willfully and maliciously set fire to or burn the contents of a dumpster or trash receptacle that belongs to another.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $500 or both.

§6–109.

Placing or distributing a flammable, explosive, or combustible material or device in or near a structure or personal property in preparation for burning the structure or property is an attempt to burn the structure or property.

§6–110.

If a structure is divided into separately owned or leased units, each unit is a separate structure for purposes of prosecution under this subtitle.

§6–111.

(a) An indictment, information, warrant, or other charging document for a crime under this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county) burned or set fire to (describe property) or (describe other violation) in violation of (section violated) against the peace, government, and dignity of the State.".

(b) If the general form of indictment or information described in subsection (a) of this section is used to charge a crime under this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

§6–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Break" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(c) (1) "Burglar's tool" means a tool, instrument, or device adapted, designed, or used to commit or facilitate the commission of a burglary crime.

(2) "Burglar's tool" includes:

(i) a picklock, key, crowbar, prybar, jack, or bit;

(ii) explosive material including nitroglycerine, dynamite, or gunpowder; and

(iii) a device capable of burning through metal, concrete, or other solid material, including an acetylene torch, electric arc, burning bar, thermal lance, or oxygen lance.

(d) "Crime of violence" has the meaning stated in § 14-101 of this article.

(e) "Dwelling" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(f) "Enter" retains its judicially determined meaning except to the extent that its meaning is expressly or impliedly changed in this subtitle.

(g) (1) "Firearm" includes:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those terms are defined in § 4-201 of this article;

(ii) a machine gun, as defined in § 4-401 of this article; and

(iii) a regulated firearm, as defined in § 5-101 of the Public Safety Article.

(2) "Firearm" does not include a firearm that has been modified to be permanently inoperative.

(h) (1) "Storehouse" retains its judicially determined meaning.

(2) "Storehouse" includes:

(i) a building or other construction, or a watercraft;

(ii) a barn, stable, pier, wharf, and any facility attached to a pier or wharf;

(iii) a storeroom or public building; and

(iv) a trailer, aircraft, vessel, or railroad car.

§6–202.

(a) A person may not break and enter the dwelling of another with the intent to commit theft.

(b) A person may not break and enter the dwelling of another with the intent to commit a crime of violence.

(c) A person who violates subsection (a) of this section is guilty of the felony of burglary in the first degree and on conviction is subject to imprisonment not exceeding 20 years.

(d) A person who violates subsection (b) of this section is guilty of the felony of home invasion and on conviction is subject to imprisonment not exceeding 25 years.

§6–203.

(a) A person may not break and enter the storehouse of another with the intent to commit theft, a crime of violence, or arson in the second degree.

(b) A person may not break and enter the storehouse of another with the intent to steal, take, or carry away a firearm.

(c) A person who violates this section is guilty of the felony of burglary in the second degree and on conviction is subject to:

(1) for a violation of subsection (a) of this section, imprisonment not exceeding 15 years; and

(2) for a violation of subsection (b) of this section, imprisonment not exceeding 20 years or a fine not exceeding $10,000 or both.

§6–204.

(a) A person may not break and enter the dwelling of another with the intent to commit a crime.

(b) A person who violates this section is guilty of the felony of burglary in the third degree and on conviction is subject to imprisonment not exceeding 10 years.

§6–205.

(a) A person may not break and enter the dwelling of another.

(b) A person may not break and enter the storehouse of another.

(c) A person, with the intent to commit theft, may not be in or on:

(1) the dwelling or storehouse of another; or

(2) a yard, garden, or other area belonging to the dwelling or storehouse of another.

(d) A person may not possess a burglar's tool with the intent to use or allow the use of the burglar's tool in the commission of a violation of this subtitle.

(e) A person who violates this section is guilty of the misdemeanor of burglary in the fourth degree and on conviction is subject to imprisonment not exceeding 3 years.

(f) A person who is convicted of violating § 7-104 of this article may not also be convicted of violating subsection (c) of this section based on the act establishing the violation of § 7-104 of this article.

§6–206.

(a) A person may not possess a burglar's tool with the intent to use or allow the use of the burglar's tool in the commission of a crime involving the breaking and entering of a motor vehicle.

(b) A person may not be in or on the motor vehicle of another with the intent to commit theft of the motor vehicle or property that is in or on the motor vehicle.

(c) A person who violates this section is guilty of a misdemeanor, shall be considered a rogue and vagabond, and on conviction is subject to imprisonment not exceeding 3 years.

§6–207.

(a) A person may not open or attempt to open a vault, safe, or other secure repository by the use of a destructive device, as defined in § 4-501 of this article, while committing burglary in the first, second, or third degree.

(b) A person who violates this section is guilty of the felony of burglary with destructive device and on conviction is subject to imprisonment not exceeding 20 years.

(c) A sentence imposed for a violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime based on the act establishing the violation of this section.

§6–208.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Enclosure" means a building, structure, aircraft, watercraft, or vehicle, and each:

1. separately secured or occupied portion of it; and

2. structure appurtenant or connected to it.

(ii) "Enclosure" includes a trailer and a sleeping car.

(3) "Research" means a studious and serious inquiry, examination, investigation, or experimentation designed to discover or accumulate data, theories, technologies, or applications for a governmental, scientific, educational, or proprietary purpose.

(4) "Research facility" means an enclosure or separately secured yard, pad, pond, laboratory, pasture, or pen used to conduct research, house research subjects, or store supplies, records, data, prototypes, or equipment necessary to or derived from research.

(5) (i) "Research property" means property, regardless of value, related to research in a research facility.

(ii) "Research property" includes a sample, specimen, research subject, record, data, test result, or proprietary information.

(b) A person may not break and enter a research facility without the permission of the research facility with the intent to:

(1) obtain unauthorized control over research property;

(2) alter or eradicate research property;

(3) damage or deface research property;

(4) move research property in a manner intended to cause harm to it;

(5) destroy or remove research property; or

(6) engage in conduct that results in the removal of research property.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

§6–209.

For purposes of prosecution under this subtitle, a unit in a building or structure that is divided into separately owned or leased units may not be considered a separate dwelling or storehouse unless it is objectively apparent that each unit constitutes a separate dwelling or storehouse.

§6–210.

(a) An indictment, information, warrant, or other charging document for burglary or another crime under this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county) did break and enter (describe property) or (describe other crime) in violation of (section violated) against the peace, government, and dignity of the State.".

(b) If the general form of indictment or information described in subsection (a) of this section is used to charge a crime under this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

(c) A person charged with a violation of § 6-202 of this subtitle may be convicted of a violation of § 6-204 or § 6-205(a) of this subtitle.

(d) A person charged with a violation of § 6-203 of this subtitle may be convicted of a violation of § 6-205(b) of this subtitle.

(e) A person charged with a violation of § 6-204 of this subtitle may be convicted of a violation of § 6-205(a) of this subtitle.

§6–301.

(a) A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another.

(b) A person who, in violation of this section, causes damage of at least $1,000 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

(c) A person who, in violation of this section, causes damage of less than $1,000 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $500 or both.

(d) (1) For purposes of this subsection, an act of "graffiti" means a permanent drawing, permanent painting, or a permanent mark or inscription on the property of another without the permission of the owner of the property.

(2) In addition to the penalties set forth in subsections (b) and (c) of this section, the court shall order a person convicted of causing malicious destruction by an act of graffiti to pay restitution or perform community service or both.

(3) Title 11, Subtitle 6 of the Criminal Procedure Article applies to an order of restitution under this subsection.

(e) (1) Except as provided in paragraph (2) of this subsection, to determine a penalty, the court may consider as one crime the aggregate value of damage to each property resulting from one scheme or continuing course of conduct.

(2) If separate acts resulting in damage to the properties of one or more owners are set forth by separate counts in one or more charging documents, the separate counts may not be merged for sentencing.

(f) (1) The value of damage is not a substantive element of a crime under this section and need not be stated in the charging document.

(2) The value of damage shall be based on the evidence and that value shall be applied for the purpose of imposing the penalties established in this section.

(3) If it cannot be determined from the evidence whether the value of the damage to the property is more or less than $1,000, the value is deemed to be less than $1,000.

§6–302.

(a) A person may not willfully throw, shoot, or propel a rock, brick, piece of iron, steel, or other similar metal, or a dangerous missile at or into a vehicle or other means of transportation that is occupied by an individual.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

§6–303.

(a) In this section, "electric company" has the meaning stated in § 1–101 of the Public Utilities Article.

(b) This section does not apply to:

(1) an employee of or a person authorized by an electric company; and

(2) supervision and control of an electric company and its material, equipment, or facilities by the political subdivision within which the electric company is doing business.

(c) A person may not willfully:

(1) tamper or interfere with the material, equipment, or facilities of an electric company;

(2) make a connection with an electrical conductor to use the electricity; or

(3) tamper with a meter used to register electricity consumed.

(d) Prima facie evidence of intent to violate this section by a person who uses or directly benefits from the use or diversion of electricity includes:

(1) a connection, wire, conductor, meter alteration, or other device that diverts electricity without the electric current being registered by the meter installed by the electric company that supplies the electricity;

(2) the use of electricity supplied by an electric company without the electricity being registered on a meter that the electric company supplied; and

(3) a showing by a check or test meter used by the electric company that a customer uses more electricity than is registered on the meter that the electric company supplied for the customer's premises.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§6–304.

(a) In this section, "gas company" has the meaning stated in § 1–101 of the Public Utilities Article.

(b) (1) A person may not wrongfully and maliciously damage, connect, disconnect, tap, or interfere or tamper with material, equipment, or facilities of a gas company.

(2) A person may not intentionally damage or defraud a gas company by:

(i) bypassing a meter provided for registering the gas consumed;

(ii) willfully tampering with, damaging, or preventing the action of a meter to register gas; or

(iii) causing or procuring a meter to be damaged or altered.

(c) Prima facie evidence of a violation of this section by the person who would directly benefit from the use of the gas passing through the meter includes:

(1) a device that allows the use of gas supplied by a gas company without the gas being registered on a meter provided by the gas company; and

(2) damage or alteration to a meter so as to prevent the action of the meter.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $250 or both.

§6–305.

(a) In this section, "water equipment" includes a canal, spring, reservoir, tunnel, mound, dam, plug, main, pipe, conduit, connection, tap, valve, engine, or machinery.

(b) This section does not apply to:

(1) a person who is authorized by the company, municipal corporation, county, or unit of State or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes or an authorized employee of the company, municipal corporation, county, or unit of State or local government; or

(2) governmental regulation of:

(i) water equipment; or

(ii) water companies, as defined in § 1–101 of the Public Utilities Article.

(c) A person may not wrongfully and maliciously:

(1) connect, disconnect, tap, interfere or tamper with, or make a connection with water equipment that belongs to a company, municipal corporation, county, or unit of State or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes; or

(2) tamper with a meter used to register the water consumed.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§6–306.

(a) A person may not remove, deface, or obliterate a manufacturer's serial number that is punched on or affixed by plate to a manufactured good with the intent to prevent tracing or identifying that good.

(b) Except as provided in § 14-107(m) of the Transportation Article, a person may not knowingly keep or offer for sale a manufactured good from which the manufacturer's serial number has been removed, defaced, or obliterated in violation of subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both for each violation.

§6–307.

(a) A person may not:

(1) sell or possess a stolen:

(i) manufactured serial number; or

(ii) vehicle identification plate or label; or

(2) possess a manufactured serial number or vehicle identification plate or label if the person intends it to be:

(i) affixed to stolen property; or

(ii) used for fraudulent purposes.

(b) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both for each violation.

§6–401.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Off-road vehicle" means a motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(2) "Off-road vehicle" includes:

(i) a four-wheel drive or low-pressure-tire vehicle;

(ii) a motorcycle or a related two-wheel vehicle;

(iii) an amphibious machine;

(iv) a ground-effect vehicle; and

(v) an air-cushion vehicle.

(c) "Vehicle" has the meaning stated in § 11-176 of the Transportation Article.

(d) "Wanton" retains its judicially determined meaning.

§6–402.

(a) A person may not enter or trespass on property that is posted conspicuously against trespass by:

(1) signs placed where they reasonably may be seen; or

(2) paint marks that:

(i) conform with regulations that the Department of Natural Resources adopts under § 5–209 of the Natural Resources Article; and

(ii) are made on trees or posts that are located:

1. at each road entrance to the property; and

2. adjacent to public roadways, public waterways, and other land adjoining the property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 90 days or a fine not exceeding $500 or both;

(2) for a second violation occurring within 2 years after the first violation, imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both; and

(3) for each subsequent violation occurring within 2 years after the preceding violation, imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

§6–403.

(a) A person may not enter or cross over private property or board the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim of right or ownership.

(b) A person may not remain on private property including the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 90 days or a fine not exceeding $500 or both;

(2) for a second violation occurring within 2 years after the first violation, imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both; and

(3) for each subsequent violation occurring within 2 years after the preceding violation, imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(d) This section prohibits only wanton entry on private property.

(e) This section also applies to property that is used as a housing project and operated by a housing authority or State public body, as those terms are defined in Division II of the Housing and Community Development Article, if an authorized agent of the housing authority or State public body gives the required notice specified in subsection (a) or (b) of this section.

§6–404.

(a) This section does not apply to:

(1) a vessel;

(2) a military, fire, or law enforcement vehicle;

(3) a farm-type tractor, other agricultural equipment used for agricultural purposes, or construction equipment used for agricultural purposes or earth moving;

(4) earth-moving or construction equipment used for those purposes; or

(5) a lawn mower, snowblower, garden or lawn tractor, or golf cart while being used for its designed purpose.

(b) Except when traveling on a clearly designated private driveway, a person may not use a vehicle or off-road vehicle on private property unless the person has in the person's possession the written permission of the owner or tenant of the private property.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§6–405.

(a) In this section, "political subdivision" includes a:

(1) county;

(2) municipal corporation;

(3) bicounty or multicounty agency;

(4) county board of education;

(5) public authority; or

(6) special taxing district.

(b) This section does not apply to:

(1) a vessel;

(2) a military, fire, or law enforcement vehicle;

(3) a farm-type tractor, other agricultural equipment used for agricultural purposes, or construction equipment used for agricultural purposes or earth moving;

(4) earth-moving or construction equipment used for those purposes; or

(5) a lawn mower, snowblower, garden or lawn tractor, or golf cart while being used for its designed purpose.

(c) Except as otherwise allowed by law, a person may not use an off-road vehicle on property known by the person to be owned or leased by the State or a political subdivision.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§6–406.

(a) "Cultivated land" means land that has been cleared of its natural vegetation and is currently planted with a crop or orchard.

(b) Unless a person has permission from the owner of cultivated land or an agent of the owner, a person may not enter on the cultivated land of another.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

(d) This section:

(1) prohibits only wanton entry on cultivated land; and

(2) does not:

(i) prevent a person who resides on cultivated land from receiving a person who seeks to provide a lawful service; or

(ii) apply to a person entering cultivated land under color of law or color of title.

§6–407.

(a) A person may not enter or remain in the stable area of a racetrack after being notified by a racetrack official, security guard, or law enforcement officer that the person is not allowed in the stable area.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§6–408.

(a) A person may not enter on the property of another for the purpose of invading the privacy of an occupant of a building or enclosure located on the property by looking into a window, door, or other opening.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§6–409.

(a) A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during the time when the public

building or grounds, or specific part of the public building or grounds, is regularly closed to the public if:

(1) the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave has no apparent lawful business to pursue at the public building or grounds; and

(2) a regularly employed guard, watchman, or other authorized employee of the government unit that owns, operates, or maintains the public building or grounds asks the person to leave.

(b) A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during regular business hours if:

(1) the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave:

(i) has no apparent lawful business to pursue at the public building or grounds; or

(ii) is acting in a manner disruptive of and disturbing to the conduct of normal business by the government unit that owns, operates, or maintains the public building or grounds; and

(2) an authorized employee of the government unit asks the person to leave.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§6–410.

(a) A person may not commit wanton trespass on the property of Government House.

(b) Notwithstanding any other provision of law, the property of Government House need not be posted against trespass.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§6–501.

In this subtitle, "railroad vehicle" includes a car, carriage, engine, locomotive, or tender.

§6–502.

(a) In this section, "railroad" includes a switch, frog, rail, roadbed, tie, viaduct, bridge, trestle, culvert, embankment, structure, or appliance that pertains to or connects with a railroad.

(b) A person may not, with the intent to obstruct or derail a railroad vehicle in the State:

(1) break or damage a railroad; or

(2) place or cause anything to be placed on a railroad.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

§6–503.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Passenger" means an individual who is traveling by railroad vehicle with lawful authorization and who does not participate in the operation of the railroad vehicle.

(ii) "Passenger" does not include a stowaway.

(3) (i) "Railroad" means a form of ground transportation that runs on rails or electromagnetic guide ways.

(ii) "Railroad" includes:

1. a commuter or other short–haul railroad passenger service in a metropolitan or suburban area; and

2. a high–speed ground transportation system that connects metropolitan areas.

(iii) "Railroad" does not include:

1. highway ground transportation; or

2. a rapid transit operation in a metropolitan area that does not connect to the general railroad transportation system.

(4) "Railroad carrier" means a person who provides railroad transportation.

(5) "Railroad property" means the material, equipment, and property used on or in connection with a railroad, right–of–way, or yard.

(6) "Right–of–way" means the track or roadbed that is:

(i) owned, leased, or operated by a railroad carrier;

(ii) located on either side of the tracks of the railroad carrier; and

(iii) 1. readily recognizable to a reasonable person as railroad property; or

2. reasonably identified as railroad property by fencing or appropriate signs.

(7) "Yard" means a system of parallel tracks, crossovers, and switches where railroad vehicles are switched or connected, and where railroad vehicles and other rolling stock are kept when not in use or when awaiting repair.

(b) This section does not apply to:

(1) a passenger on a railroad vehicle;

(2) an individual who enters railroad property in an emergency to:

(i) rescue from harm another individual or an animal, including livestock, a pet, or wildlife; or

(ii) remove an object that the individual reasonably believes to pose an imminent threat to life or limb;

(3) an individual on the station grounds or in the depot of a railroad carrier as a passenger or to transact lawful business;

(4) a person, a family member or invitee of a person, or an employee or independent contractor of a person who enters a railroad right–of–way to obtain access to land that the person owns, leases, or operates at a private crossing approved by the railroad carrier;

(5) a person having permission of the railroad carrier to enter the railroad property;

(6) a law enforcement officer, firefighter, or emergency response personnel while performing official duties;

(7) a representative of the Maryland Department of Transportation or the Maryland Department of Labor while performing official duties; or

(8) a representative of the Federal Railroad Administration or the National Transportation Safety Board while performing official duties.

(c) (1) Without the consent of the railroad carrier or other lawful authorization, a person may not ride on the outside or inside of a railroad vehicle, including a flatbed or container.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(d) (1) Without the consent of the railroad carrier or other lawful authorization, and except to cross the property at a public highway or other authorized crossing, a person may not knowingly enter or remain on railroad property.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§6–504.

(a) A person may not give a train signal to start a stopped train or to stop a moving train unless the person is an authorized employee of a railroad company.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months.

§6–505.

(a) In this section, "railroad" has the meaning stated in § 1–101 of the Public Utilities Article.

(b) A person may not willfully and maliciously strike a railroad vehicle on a railroad or on an electric railway in the State by:

(1) shooting or throwing an object at the railroad vehicle; or

(2) causing an object to fall on the railroad vehicle.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $1,000 or both.

§6–506.

(a) Unless authorized by a railroad company that maintains offices in the State, a person may not:

(1) buy, sell, or engage in the business of buying or selling railroad tickets or the unused parts of railroad tickets;

(2) act as vendor or broker of whole or partly used railroad tickets;

(3) solicit personally or by sign, advertisement, or otherwise to buy or sell railroad tickets; or

(4) aid or abet in buying or selling railroad tickets in the State.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $100 or both.

(c) Each act of buying or selling railroad tickets is a separate violation.

§7–101.

(a) In this part the following words have the meanings indicated.

(b) (1) "Deception" means knowingly to:

(i) create or confirm in another a false impression that the offender does not believe to be true;

(ii) fail to correct a false impression that the offender previously has created or confirmed;

(iii) prevent another from acquiring information pertinent to the disposition of the property involved;

(iv) sell or otherwise transfer or encumber property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, regardless of whether the impediment is of value or a matter of official record;

(v) insert or deposit a slug in a vending machine;

(vi) remove or alter a label or price tag;

(vii) promise performance that the offender does not intend to perform or knows will not be performed; or

(viii) misrepresent the value of a motor vehicle offered for sale by tampering or interfering with its odometer, or by disconnecting, resetting, or altering its odometer with the intent to change the mileage indicated.

(2) "Deception" does not include puffing or false statements of immaterial facts and exaggerated representations that are unlikely to deceive an ordinary individual.

(c) "Deprive" means to withhold property of another:

(1) permanently;

(2) for a period that results in the appropriation of a part of the property's value;

(3) with the purpose to restore it only on payment of a reward or other compensation; or

(4) to dispose of the property or use or deal with the property in a manner that makes it unlikely that the owner will recover it.

(d) (1) "Exert control" includes to take, carry away, appropriate to a person's own use or sell, convey, or transfer title to an interest in or possession of property.

(2) "Exert control" does not include:

(i) to trespass on the land of another; or

(ii) to occupy the land of another without authorization.

(e) (1) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server.

(2) "Interactive computer service" includes a service or system that provides access to the Internet.

(f) "Motor vehicle" has the meaning stated in § 11-135 of the Transportation Article.

(g) "Obtain" means:

(1) in relation to property, to bring about a transfer of interest in or possession of the property; and

(2) in relation to a service, to secure the performance of the service.

(h) Except as otherwise expressly provided in this part, "owner" means a person, other than the offender:

(1) who has an interest in or possession of property regardless of whether the person's interest or possession is unlawful; and

(2) without whose consent the offender has no authority to exert control over the property.

(i) (1) "Property" means anything of value.

(2) "Property" includes:

(i) real estate;

(ii) money;

(iii) a commercial instrument;

(iv) an admission or transportation ticket;

(v) a written instrument representing or embodying rights concerning anything of value, or services, or anything otherwise of value to the owner;

(vi) a thing growing on or affixed to, or found on land, or part of or affixed to any building;

(vii) electricity, gas, and water;

(viii) a bird, animal, or fish that ordinarily is kept in a state of confinement;

(ix) food or drink;

(x) a sample, culture, microorganism, or specimen;

(xi) a record, recording, document, blueprint, drawing, map, or a whole or partial copy, description, photograph, prototype, or model of any of them;

(xii) an article, material, device, substance, or a whole or partial copy, description, photograph, prototype, or model of any of them that represents evidence of, reflects, or records a secret:

1. scientific, technical, merchandising, production, or management information; or

2. designed process, procedure, formula, invention, trade secret, or improvement;

(xiii) a financial instrument; and

(xiv) information, electronically produced data, and a computer software or program in a form readable by machine or individual.

(j) "Property of another" means property in which a person other than the offender has an interest that the offender does not have the authority to defeat or impair, even though the offender also may have an interest in the property.

(k) "Service" includes:

(1) labor or professional service;

(2) telecommunication, public utility, toll facility, or transportation service;

(3) lodging, entertainment, or restaurant service; and

(4) the use of computers, data processing, or other equipment.

(l) "Slug" means an object that, because of its size, shape, or other quality, can be deposited or inserted in a vending machine as an improper substitute for the payment required to operate the vending machine.

(m) (1) "Theft" means the conduct described in §§ 7-104 through 7-107 of this subtitle.

(2) "Theft" includes motor vehicle theft, unless otherwise indicated.

(n) "Vending machine" means a device designed to receive a specified payment and in exchange automatically offer, provide, assist in providing, or allow a person to acquire property or service.

§7–102.

(a) Conduct described as theft in this part constitutes a single crime and includes the separate crimes formerly known as:

(1) larceny;

(2) larceny by trick;

(3) larceny after trust;

(4) embezzlement;

(5) false pretenses;

(6) shoplifting; and

(7) receiving stolen property.

(b) (1) A person acts "knowingly":

(i) with respect to conduct or a circumstance as described by a statute that defines a crime, when the person is aware of the conduct or that the circumstance exists;

(ii) with respect to the result of conduct as described by a statute that defines a crime, when the person is practically certain that the result will be caused by the person's conduct; and

(iii) with respect to a person's knowledge of the existence of a particular fact, if that knowledge is an element of a crime, when the person is practically certain of the existence of that fact.

(2) The terms "knowing" and "with knowledge" are construed in the same manner.

§7–103.

(a) In this section, "value" means:

(1) the market value of the property or service at the time and place of the crime; or

(2) if the market value cannot satisfactorily be ascertained, the cost of the replacement of the property or service within a reasonable time after the crime.

(b) The value of property or service under this part shall be determined in accordance with this section.

(c) (1) Except as provided in paragraph (2) of this subsection, this subsection applies to a written instrument whether or not the instrument has been issued or delivered.

(2) This subsection does not apply to a written instrument that has a readily ascertainable market value.

(3) (i) For purposes of this part, a written instrument is valued as provided by this paragraph.

(ii) The value of an instrument constituting evidence of debt, including a check, draft, or promissory note, is the amount due or collectible on the instrument. That value is ordinarily the face amount of the instrument, less any portion that has been satisfied.

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects a valuable legal right, privilege, or obligation is the amount of economic loss the owner of the instrument might reasonably suffer because of the loss of the instrument.

(d) The value of a trade secret lacking a readily ascertainable market value is a reasonable value that represents the damage the owner suffered by the loss of an advantage over those who do not know or use the trade secret.

(e) (1) For the purposes of determining whether a theft violation subject to either § 7–104(g)(1) or (2) of this subtitle has been committed, when it cannot be determined whether the value of the property or service is more or less than $1,500 under the standards of this section, the value is deemed to be less than $1,500.

(2) For the purposes of determining whether a theft violation subject to either § 7–104(g)(2) or (3) of this subtitle has been committed, when it cannot be determined whether the value of the property or service is more or less than $100 under the standards of this section, the value is deemed to be less than $100.

(f) When theft is committed in violation of this part under one scheme or continuing course of conduct, whether from the same or several sources:

(1) the conduct may be considered as one crime; and

(2) the value of the property or services may be aggregated in determining whether the theft is a felony or a misdemeanor.

§7–104.

(a) A person may not willfully or knowingly obtain or exert unauthorized control over property, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(b) A person may not obtain control over property by willfully or knowingly using deception, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(c) (1) A person may not possess stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person:

(i) intends to deprive the owner of the property;

(ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) In the case of a person in the business of buying or selling goods, the knowledge required under this subsection may be inferred if:

(i) the person possesses or exerts control over property stolen from more than one person on separate occasions;

(ii) during the year preceding the criminal possession charged, the person has acquired stolen property in a separate transaction; or

(iii) being in the business of buying or selling property of the sort possessed, the person acquired it for a consideration that the person knew was far below a reasonable value.

(3) In a prosecution for theft by possession of stolen property under this subsection, it is not a defense that:

(i) the person who stole the property has not been convicted, apprehended, or identified;

(ii) the defendant stole or participated in the stealing of the property;

(iii) the property was provided by law enforcement as part of an investigation, if the property was described to the defendant as being obtained through the commission of theft; or

(iv) the stealing of the property did not occur in the State.

(4) Unless the person who criminally possesses stolen property participated in the stealing, the person who criminally possesses stolen property and

a person who has stolen the property are not accomplices in theft for the purpose of any rule of evidence requiring corroboration of the testimony of an accomplice.

(d) A person may not obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property, if the person:

(1) knows or learns the identity of the owner or knows, is aware of, or learns of a reasonable method of identifying the owner;

(2) fails to take reasonable measures to restore the property to the owner; and

(3) intends to deprive the owner permanently of the use or benefit of the property when the person obtains the property or at a later time.

(e) A person may not obtain the services of another that are available only for compensation:

(1) by deception; or

(2) with knowledge that the services are provided without the consent of the person providing them.

(f) Under this section, an offender's intention or knowledge that a promise would not be performed may not be established by or inferred solely from the fact that the promise was not performed.

(g) (1) A person convicted of theft of property or services with a value of:

(i) at least $1,500 but less than $25,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services;

(ii) at least $25,000 but less than $100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services; or

(iii) $100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services.

(2) Except as provided in paragraph (3) of this subsection, a person convicted of theft of property or services with a value of at least $100 but less than $1,500, is guilty of a misdemeanor and:

(i) is subject to:

1. for a first conviction, imprisonment not exceeding 6 months or a fine not exceeding $500 or both; and

2. for a second or subsequent conviction, imprisonment not exceeding 1 year or a fine not exceeding $500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(3) A person convicted of theft of property or services with a value of less than $100 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(4) Subject to paragraph (5) of this subsection, a person who has four or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than $1,500 under paragraph (2) of this subsection is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:

(i) the State will seek the penalties under paragraph (4) of this subsection; and

(ii) lists the alleged prior convictions.

(h) (1) If a person is convicted of a violation under this section for failure to pay for motor fuel after the motor fuel was dispensed into a vehicle, the court shall:

(i) notify the person that the person's driver's license may be suspended under § 16–206.1 of the Transportation Article; and

(ii) notify the Motor Vehicle Administration of the violation.

(2) The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this subsection.

(i) An action or prosecution for a violation of subsection (g)(2) or (3) of this section shall be commenced within 2 years after the commission of the crime.

(j) A person who violates this section by use of an interactive computer service may be prosecuted, indicted, tried, and convicted in any county in which the victim resides or the electronic communication originated or terminated.

§7–105.

(a) In this section, "owner" means a person who has a lawful interest in or is in lawful possession of a motor vehicle by consent or chain of consent of the title owner.

(b) A person may not knowingly and willfully take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent.

(c) A person who violates this section:

(1) is guilty of the felony of taking a motor vehicle and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both; and

(2) shall restore the motor vehicle or, if unable to restore the motor vehicle, pay to the owner the full value of the motor vehicle.

(d) (1) This section does not preclude prosecution for theft of a motor vehicle under § 7-104 of this part.

(2) If a person is convicted under § 7-104 of this part and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7-104 of this part.

§7–105.1.

(a) Subject to subsection (c) of this section, in a criminal case or juvenile proceeding involving theft of a motor vehicle under § 7-104 or § 7-105 of this subtitle, an affidavit sworn to in open court by the lawful owner of the motor vehicle may be introduced thereafter as substantive evidence that the motor vehicle was taken from the lawful owner and operated, used, or possessed without the lawful owner's authorization.

(b) The affidavit shall:

(1) be given under oath subject to the penalty of perjury; and

(2) be attached to a copy of the certificate of title of the motor vehicle.

(c) (1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit as provided under this section, the State shall provide written notice to the defendant that the State intends to:

(i) rely on the affidavit; and

(ii) introduce the affidavit into evidence at the proceeding.

(2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.

§7–106.

(a) In this section, "newspaper" means a periodical that is distributed on a complimentary or compensatory basis.

(b) A person may not knowingly or willfully obtain or exert control that is unauthorized over newspapers with the intent to prevent another from reading the newspapers.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $500 or both.

§7–107.

(a) A person who obtains property or a service by a bad check under the circumstances described in Title 8, Subtitle 1 of this article may not be prosecuted for theft under this part unless that person:

(1) makes a false representation that there are sufficient funds in the drawee bank to cover the check; and

(2) commits deception as provided under § 7-104(b) or (e) of this part.

(b) If a person is prosecuted for theft under this section, the presumptions of § 8-104 of this article apply to the same extent as if the person were prosecuted under § 7-104 of this part.

§7–108.

(a) An indictment, information, warrant, or other charging document for theft under this part, other than for taking a motor vehicle under § 7–105 of this part, is sufficient if it substantially states:

"(name of defendant) on (date) in (county) stole (property or services stolen) of (name of victim), having a value of (less than $1,500, at least $1,500 but less than $25,000, at least $25,000 but less than $100,000, or $100,000 or more) in violation of § 7–104 of the Criminal Law Article, against the peace, government, and dignity of the State.".

(b) An indictment, information, warrant, or other charging document for theft under this part for taking a motor vehicle under § 7–105 of this part is sufficient if it substantially states:

"(name of defendant) on (date) in (county) knowingly and willfully took a motor vehicle out of (name of victim)'s lawful custody, control, or use, without the consent

of (name of victim), in violation of § 7–105 of the Criminal Law Article, against the peace, government, and dignity of the State.".

(c) In a case in the circuit court in which the general form of indictment or information is used to charge a defendant with a crime under this part, the defendant, on timely demand, is entitled to a bill of particulars.

(d) Unless specifically charged by the State, theft of property or services with a value of less than $100 as provided under § 7–104(g)(3) of this subtitle may not be considered a lesser included crime of any other crime.

§7–109.

(a) Subject to subsection (b) of this section, a charge of theft may be proved by evidence that the theft was committed in a manner that is theft under this part, even if a different manner is specified in the information, indictment, warrant, or other charging document.

(b) A court may grant a continuance or other appropriate relief:

(1) to ensure a fair trial; and

(2) if the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

§7–110.

(a) (1) It is not a defense to the crime of theft that the defendant has an interest in the property that was the subject of the theft if another also has an interest in or right to possess the property that the defendant is not entitled to infringe.

(2) In determining the right of possession:

(i) a joint or common owner of the property does not have a right of possession of the property that is superior to the right of any other joint or common owner of the property; and

(ii) in the absence of a contrary agreement, a person in lawful possession of the property has a right of possession superior to the right of possession of a person who has only a security interest in the property, even if legal title to the property lies with the holder of the security interest under a conditional sale contract or other security agreement.

(b) (1) It is not a defense to the crime of theft that the property was taken, obtained, or withheld from a person who had obtained the property by illegal means.

(2) It is not a defense to the crime of theft of property or services with a value of less than $100 as provided under § 7-104(g)(3) of this subtitle that the value of the property or services at issue is $100 or more.

(c) It is a defense to the crime of theft that:

(1) the defendant acted under a good faith claim of right to the property involved;

(2) the defendant acted in the honest belief that the defendant had the right to obtain or exert control over the property as the defendant did;

(3) the property involved was that of the defendant's spouse, unless the defendant and the defendant's spouse were not living together as husband and wife and were living in separate residences at the time of the alleged theft; or

(4) in a case of theft of a trade secret, the defendant rightfully knew the trade secret, or the trade secret was available to the defendant from a source other than the owner.

(d) Any common law and evidentiary presumption applicable on July 1, 1979 to the crimes consolidated under this part also apply to the crime of theft, unless the presumption:

(1) is repealed or modified under this part; or

(2) is modified by a court decision rendered after July 1, 1979.

§7–113.

(a) A fiduciary may not:

(1) fraudulently and willfully appropriate money or a thing of value that the fiduciary holds in a fiduciary capacity contrary to the requirements of the fiduciary's trust responsibility; or

(2) secrete money or a thing of value that the fiduciary holds in a fiduciary capacity with a fraudulent intent to use the money or thing of value contrary to the requirements of the fiduciary's trust responsibility.

(b) A person who violates this section is guilty of the misdemeanor of embezzlement and on conviction is subject to imprisonment for not less than 1 year and not exceeding 5 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§7–114.

(a) (1) In this section, "revenue officer" means an officer with the duty to collect revenue due to the State, a county, or other governmental entity.

(2) "Revenue officer" includes:

(i) a clerk;

(ii) a notary public;

(iii) a register of wills;

(iv) a sheriff; and

(v) a tax collector.

(b) A revenue officer may not willfully detain and neglect to pay money due to the State, a county, or other governmental entity into the Treasury of the State or a county or to another revenue officer authorized to receive the money longer than:

(1) 60 days after the date specified by law for the revenue officer to make payment; or

(2) 6 months after the date that the money is collected, if the law does not specify a date for the revenue officer to make payment.

(c) (1) A revenue officer who violates this section is guilty of the misdemeanor of defalcation.

(2) On conviction, and unless the revenue officer pays the amount in default sooner, a revenue officer who violates this section:

(i) for each violation, is subject to imprisonment for not less than 1 year and not exceeding 5 years; and

(ii) is subject to any other penalty provided by law.

(d) A revenue officer who violates this section is subject to § 5-106(b) of the Courts Article.

(e) In a prosecution under this section, a certificate of the Comptroller of the State or of a revenue officer of a county showing that the defendant is a defaulter is admissible as prima facie evidence of defalcation under this section.

§7–115.

(a) While a contract of pledge or hypothecation is in effect, a person may not, without the consent of the pledgor, repledge or rehypothecate a security, the title to which passes by delivery or endorsement received or held by the person as guaranty for money lent or advanced to the owner or holder of the security.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not less than $500 and not exceeding $5,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§7–116.

(a) This section applies to a person who is entrusted with money as an advance against grain or other merchandise:

(1) that is purchased and stored in an elevator; and

(2) for which a certificate or receipt has been delivered to an official of the elevator storage facility or to the party with whom the grain or other merchandise is stored for shipment and transport to the purchaser.

(b) A person may not, for the person's own benefit and in bad faith, fail to deliver to the party who entrusted the person with money under the circumstances described in subsection (a) of this section as soon as the shipment of grain or other merchandise is completed and the bill of lading is delivered to the purchaser:

(1) the draft or bill of exchange and other document required for shipment of the cargo of grain or other merchandise; and

(2) any policy of insurance on the grain or other merchandise.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 1 year and not exceeding 10 years or a fine not less than $500 and not exceeding $5,000 or both.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§7–201.

(a) This section applies only to a wheeled cart or other similar device that is clearly marked with the name and address of its owner and if notice of this section is clearly and prominently displayed at each public exit from the grocery store, store, or market that owns the wheeled cart or other similar device.

(b) (1) A person may not:

(i) without the permission of the owner or agent of the owner, remove a wheeled cart or other similar device provided for the purpose of assembling or carrying purchased materials from a grocery store, store, or market, including its parking facilities;

(ii) damage any wheeled cart or other device owned by the grocery store, store, or market from which the cart was obtained; or

(iii) abandon a wheeled cart or other device on the streets or alleys of the State.

(2) A person may abandon a wheeled cart or other device on the parking facilities of the grocery store, store, or market from which the cart was obtained.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25 for each violation.

§7–202.

(a) A bailee for hire, or a servant, agent, or employee of the bailee, may not willfully appropriate and use, or allow the appropriation and use of, any property that is the subject matter of the bailment without the consent of the owner of that property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $100 or both.

§7–203.

(a) Without the permission of the owner, a person may not take and carry away from the premises or out of the custody of another or use of the other, or the other's agent, or a governmental unit any property, including:

(1) a vehicle;

(2) a motor vehicle;

(3) a vessel; or

(4) livestock.

(b) A person who violates this section is guilty of a misdemeanor and on conviction:

(1) is subject to imprisonment for not less than 6 months and not exceeding 4 years or a fine not less than $50 and not exceeding $100 or both; and

(2) shall restore the property taken and carried away in violation of this section or, if unable to restore the property, shall pay to the owner the full value of the property.

(c) It is not a defense to this section that the person intends to hold or keep the property for the person's present use and not with the intent of appropriating or converting the property.

§7–204.

(a) A person may not use, distribute, manufacture, duplicate, or possess keys capable of being used in locks in or on real property that the State owns or leases unless the use, distribution, manufacture, duplication, or possession is in accordance with the regulations adopted under subsection (c) of this section.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 for each violation.

(c) (1) The Department of General Services shall adopt regulations to govern the use, distribution, manufacture, duplication, and possession of keys capable of being used in locks in or on real property that the State owns or leases.

(2) Each key subject to the regulations adopted under this subsection shall be clearly identified by:

(i) the words "do not duplicate" or "unlawful to duplicate"; and

(ii) a symbol indicating State ownership.

§7–205.

(a) A person who leases or rents a motor vehicle under an agreement to return the motor vehicle at the end of the leasing or rental period may not abandon the motor vehicle or refuse or willfully neglect to return it.

(b) (1) A person may not be prosecuted under this section if, within 5 days after a written demand for the return of the motor vehicle is mailed by regular mail and certified United States mail, return receipt requested, to the person who leased or rented the motor vehicle at the last address known to the person who delivered the motor vehicle, the person returns or accounts for the motor vehicle to the person who delivered the motor vehicle.

(2) A prosecution may not be started until 5 days after a written demand described in paragraph (1) of this subsection is mailed.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

§7–301.

(a) (1) In this section the following words have the meanings indicated.

(2) "Code grabbing device" means a device that is capable of:

(i) receiving and recording the coded signal transmitted by an electronic security system; and

(ii) playing back the coded signal to disarm the electronic security system.

(3) "Electronic security system" includes:

(i) an electronic home security system;

(ii) a motor vehicle security alarm system;

(iii) an automatic garage door opener;

(iv) a home detention monitoring device; and

(v) an electronic or magnetic theft detection device used in a retail establishment.

(b) A person may not manufacture, sell, use, or possess a code grabbing device with the intent that the code grabbing device be used in the commission of a crime.

(c) A person may not knowingly possess a device intended to shield merchandise from detection by an electronic security system with the intent to commit theft.

(d) A person may not knowingly possess a tool or device designed to allow the deactivation or removal from any merchandise an electronic security system or a device used as part of an electronic security system with the intent to:

(1) use the tool or device to deactivate any electronic security system; or

(2) remove any electronic security system or device used as part of an electronic security system from any merchandise without the permission of the merchant or person owning or lawfully holding the merchandise.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§7–302.

(a) (1) In this section the following words have the meanings indicated.

(2) "Access" means to instruct, communicate with, store data in, retrieve or intercept data from, or otherwise use the resources of a computer program, computer system, or computer network.

(3) (i) "Aggregate amount" means a direct loss of property or services incurred by a victim.

(ii) "Aggregate amount" includes:

1. the value of any money, property, or service lost, stolen, or rendered unrecoverable by the crime; or

2. any actual reasonable expenditure incurred by the victim to verify whether a computer program, computer, computer system, or computer network was altered, acquired, damaged, deleted, disrupted, or destroyed by access in violation of this section.

(4) (i) "Computer" means an electronic, magnetic, optical, organic, or other data processing device or system that performs logical, arithmetic, memory, or storage functions.

(ii) "Computer" includes property, a data storage facility, or a communications facility that is directly related to or operated with a computer.

(iii) "Computer" does not include an automated typewriter, a typesetter, or a portable calculator.

(5) "Computer control language" means ordered statements that direct a computer to perform specific functions.

(6) "Computer database" means a representation of information, knowledge, facts, concepts, or instructions that:

(i) is intended for use in a computer, computer system, or computer network; and

(ii) 1. is being prepared or has been prepared in a formalized manner; or

2. is being produced or has been produced by a computer, computer system, or computer network.

(7) "Computer network" means the interconnection of one or more computers through:

(i) the use of a satellite, microwave, line, or other communication medium; and

(ii) terminals or a complex consisting of two or more interconnected computers regardless of whether the interconnection is continuously maintained.

(8) "Computer program" means an ordered set of instructions or statements that may interact with related data and, when executed in a computer system, causes a computer to perform specified functions.

(9) "Computer services" includes computer time, data processing, and storage functions.

(10) "Computer software" means a computer program, instruction, procedure, or associated document regarding the operation of a computer system.

(11) "Computer system" means one or more connected or unconnected computers, peripheral devices, computer software, data, or computer programs.

(b) This section does not preclude the applicability of any other provision of this Code.

(c) (1) A person may not intentionally, willfully, and without authorization:

(i) access, attempt to access, cause to be accessed, or exceed the person's authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer service, or computer database; or

(ii) copy, attempt to copy, possess, or attempt to possess the contents of all or part of a computer database accessed in violation of item (i) of this paragraph.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer service, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer service, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code; or

(ii) publicize or distribute a valid access code to an unauthorized person.

(4) A person may not commit an act prohibited under this subsection with the intent to interrupt or impair the functioning of:

(i) the State government;

(ii) a service, device, or system related to the production, transmission, delivery, or storage of electricity or natural gas in the State that is owned, operated, or controlled by a person other than a public service company, as defined in § 1–101 of the Public Utilities Article; or

(iii) a service provided in the State by a public service company, as defined in § 1–101 of the Public Utilities Article.

(d) (1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(2) A person who violates subsection (c)(2) or (3) of this section:

(i) if the aggregate amount of the loss is $10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; or

(ii) if the aggregate amount of the loss is less than $10,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(3) A person who violates subsection (c)(4) of this section:

(i) if the aggregate amount of the loss is $50,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both; or

(ii) if the aggregate amount of the loss is less than $50,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $25,000 or both.

(e) Access achieved in violation of this section under a single scheme or a continuing course of conduct may be considered as one violation.

(f) A court of competent jurisdiction may try a person prosecuted under this section in any county in this State where:

(1) the defendant performed the act; or

(2) the accessed computer is located.

§7–303.

(a) (1) In this section the following words have the meanings indicated.

(2) "Cable television company" means a franchised or private cable television company.

(3) "Cable television service" means:

(i) cable and satellite cable programming;

(ii) service provided by or through the facility of a cable television system or a closed circuit coaxial cable communication system; or

(iii) a microwave, satellite, or similar transmission service used with a cable television system or a closed circuit coaxial cable communication system.

(b) (1) Destroying, damaging, cutting, tampering with, installing, tapping, removing, displacing, or connecting with a wire, conduit, apparatus, or other equipment of a cable television company is prima facie evidence of an intent to receive cable television services without payment.

(2) Actual possession of a device designed to facilitate an act prohibited by this section, or possession and control of a quantity of those devices indicating possession for resale, is prima facie evidence of an intent to violate this section.

(c) A person may not:

(1) destroy, damage, cut, tamper with, install, tap, remove, displace, or connect with a wire, conduit, apparatus, or other equipment of a cable television company with the intent to receive cable television services without payment;

(2) prevent, obstruct, or delay the sending, conveyance, distribution, or receiving of programming material transmitted by a cable television company;

(3) with the intent to deprive a person of lawful compensation, receive, attempt to receive, or assist another to receive:

(i) cable television service by trick, use of a decoder, or other fraudulent means; or

(ii) satellite cable programming that is:

1. offered for sale in the person's area through an unauthorized marketing system; or

2. received by decoding encrypted satellite cable programming;

(4) without authority from the cable television company, connect with a cable, wire, component, or other device used to distribute cable television service;

(5) alter:

(i) a device installed with the authorization of a cable television company to intercept or receive a program or service carried by the company; or

(ii) equipment capable of decoding encrypted satellite cable programming to intercept or receive satellite cable programming; or

(6) sell, rent, or offer for sale or rent a device or a plan for a device knowing that the recipient intends to use the device or to plan to do an act prohibited by this section.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both; or

(ii) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(2) A person who commits an act prohibited by this section for payment or offer of payment is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(e) A cable television company may bring an action to enjoin a violation of this section.

(f) In addition to the penalties under subsection (d) of this section, a person who violates subsection (c)(3) or (6) of this section is liable to the aggrieved cable television company for all appropriate civil damages awarded by a court.

(g) A device used to violate this section is subject to seizure by and forfeiture to the State.

§7–304.

(a) (1) In this section the following words have the meanings indicated.

(2) "Customer" means a person who subscribes to, or is financially responsible for a subscription to, telephone service from a telephone company.

(3) "Telephone" means a device used by a person for voice communications transmitted in analog, data, or any other form.

(4) "Telephone company" means a person that provides commercial telephone service to a customer, regardless of the communication technology used, including:

(i) traditional wireline or cable telephone service;

(ii) cellular, broadband PCS, or other commercial mobile radiotelephone service;

(iii) microwave, satellite, or other terrestrial telephone service; and

(iv) voice over Internet telephone service.

(5) (i) "Telephone record" means information retained by a telephone company that relates to:

1. the telephone number dialed by a customer or other person using the customer's telephone;

2. the incoming number of a call directed to a customer or other person using the customer's telephone; or

3. other data related to calls typically contained on a customer's telephone bill, such as the time the call started and ended, the duration of the call, and any charges applied.

(ii) "Telephone record" does not include information collected or retained by customers using caller I.D. or similar technology.

(b) This section does not apply to:

(1) a person acting under a valid court order, warrant, or subpoena; or

(2) a law enforcement officer acting in the performance of official duty.

(c) A person may not:

(1) knowingly obtain, attempt to obtain, or solicit or conspire with another to obtain, a telephone record:

(i) without the authorization of the customer to whom the record pertains; or

(ii) by fraudulent, deceptive, or false means;

(2) knowingly sell or attempt to sell a telephone record without the authorization of the customer to whom the record pertains; or

(3) receive a telephone record:

(i) knowing that the record has been obtained without the authorization of the customer to whom the record pertains; or

(ii) by fraudulent, deceptive, or false means.

(d) (1) A violation of this section is an unfair or deceptive trade practice under Title 13 of the Commercial Law Article.

(2) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(e) Notwithstanding any other law, the prosecution for a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.

(f) This section may not be construed to prohibit a telephone company from obtaining, using, disclosing, or allowing access to a customer's telephone record:

(1) as otherwise authorized by law;

(2) with the consent of the customer;

(3) in connection with service provided to the customer;

(4) for purposes of billing or collection from the customer;

(5) as necessary to prevent fraud or abusive practices;

(6) to a governmental entity, if the telephone company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the telephone record; or

(7) to the National Center for Missing and Exploited Children, in connection with a report submitted under § 227 of the federal Victims of Child Abuse Act of 1990.

§7–306.

This part does not apply to:

(1) a radio or television broadcaster or cable radio or television operator who transfers sounds or images:

(i) as part of or with a radio or television transmission; or

(ii) for archival preservation; or

(2) a person who transfers sounds or images in the person's home for the person's personal use without consideration being derived by the person, or any other, from the transfer.

§7–307.

This part does not affect the rights of parties in private litigation.

§7–308.

(a) (1) In this section the following words have the meanings indicated.

(2) "Deliver" means to sell, rent, distribute, or circulate.

(3) "Performance" includes a live performance and a performance that is transmitted by wire, radio, or television.

(4) "Recorded article" means a phonograph record, disc, wire, tape, film, videocassette, or other article on which sounds are recorded or otherwise stored.

(b) (1) This subsection applies only to sound recordings initially fixed before February 15, 1972.

(2) Except as otherwise provided in this section, a person may not knowingly transfer or cause to be transferred any sounds recorded on a recorded article to any other recorded article:

(i) with the intent to sell or cause to be sold for profit or used to promote the sale of any product; and

(ii) without the consent of the owner of the original fixation of sounds embodied in the master recorded article.

(c) Except as otherwise provided in this section, a person may not knowingly deliver, offer for delivery, possess for delivery, cause to be delivered, cause to be offered for delivery, or cause to be possessed for delivery a recorded article or device:

(1) on which sounds have been transferred without the consent of the owner of the original fixation of sounds embodied in the master recorded article; or

(2) embodying a performance without the consent of the performer.

(d) (1) Except as otherwise provided in this section, a person may not knowingly transfer to or cause to be transferred to a recorded article on which sounds or images have been transferred or stored any performance:

(i) with the intent to sell or cause to be sold for profit or used to promote the sale of any product; and

(ii) without the consent of the performer.

(2) A person may not knowingly deliver, offer for delivery, or possess for the purpose of delivery a recorded article on which sounds or images have been transferred or stored, unless the recorded article bears in a prominent place on its outside face or package:

(i) the actual name and street address of the transferor of the sounds or images; and

(ii) the actual name of the performer or group.

(e) Except in the lobby area of a motion picture theater, a person may not knowingly operate an audiovisual recording function of a device in a motion picture theater without the consent of the owner or lessee of the theater.

§7–309.

(a) For a first violation, a person who violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both for each individual act in violation of this part.

(b) For each subsequent violation, a person who violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $10,000 or both for each individual act in violation of this part.

§7–310.

A recorded article produced in violation of this part and all equipment used to produce the recorded article are subject to forfeiture and destruction by the appropriate law enforcement unit.

§7–313.

(a) In this part the following words have the meanings indicated.

(b) (1) "Manufacture" means:

(i) with respect to an unlawful access device:

1. to make, produce, or assemble an unlawful access device; or

2. to modify, alter, program, or reprogram technology, software, or a device to defeat or circumvent technology, software, or a device that is used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video service, program, or transmission, to protect the telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or retransmission; and

(ii) with respect to an unlawful telecommunication device or access code:

1. to make, produce, or assemble an unlawful telecommunication device or access code; or

2. to modify, alter, program, or reprogram a telecommunication device or access code to be capable of acquiring, disrupting, receiving, transmitting, decrypting, or facilitating the acquisition, disruption, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) "Manufacture" includes knowingly to assist another in performing an activity described in paragraph (1) of this subsection.

(c) "Telecommunication device or access code" means:

(1) an instrument, device, machine, equipment, technology, or software that is capable of transmitting, acquiring, decrypting, or receiving telephonic, electronic, data, Internet access, audio, video, microwave or radio communications, transmissions, signals, or services provided by or through a cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, Internet-based, or wireless distribution network, system, or facility;

(2) a part, accessory, or component of an item listed in item (1) of this subsection, including a computer circuit, security module, smart card, software, computer chip, electronic mechanism, or other part, component, or accessory of any telecommunication device that is capable of facilitating the transmission, decryption, acquisition, or reception of any type of communication, transmission, signal, or service listed in item (1) of this subsection; or

(3) an electronic serial number, mobile identification number, service access card, account number, or personal identification number used to acquire, receive, use, or transmit a telecommunication service.

(d) "Telecommunication service" means a service provided for a fee or other compensation:

(1) to facilitate the origination, transmission, emission, or reception of signs, signals, data, writings, images, or sounds or intelligence of any nature by a telephone, cellular telephone, wire, wireless, radio, electromagnetic, photoelectronic, or photo-optical system; or

(2) by a radio, telephone, fiber optic, cable television, satellite, microwave, data transmission, wireless, or Internet-based distribution system, network, or facility, including electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals, and services and those communications, transmissions, signals, and services provided directly or indirectly, by or through a system, network, facility, or technology listed in this subsection.

(e) (1) "Telecommunication service provider" means a person that:

(i) owns or operates a fiber optic, cable television, satellite, Internet-based, telephone, wireless, microwave, data transmission, or radio distribution system, network, or facility; or

(ii) provides a telecommunication service directly or indirectly using any of the systems, networks, or facilities listed in item (i) of this paragraph.

(2) "Telecommunication service provider" includes a person that, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunication service.

(f) "Unlawful access device" means an instrument, device, access code, machine, equipment, technology, or software that is primarily designed, assembled, manufactured, sold, distributed, possessed, used, offered, promoted, or advertised to defeat or circumvent technology, software, or a device, or a component or part of any technology, software, or a device used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video program or transmission, to protect that telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or retransmission.

(g) (1) "Unlawful telecommunication device or access code" means a telecommunication device or access code that has been altered, designed, modified, programmed, or reprogrammed, alone or in conjunction with another telecommunication device or access code, to facilitate the disruption, acquisition, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) "Unlawful telecommunication device or access code" includes a device, technology, product, service, equipment, access code, computer software, component, or part that is primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed, or used to provide the unauthorized access to or receipt, transmission, disruption, decryption, or acquisition of a telecommunication service provided by a telecommunication service provider.

§7–314.

This part does not apply to:

(1) a law enforcement officer who possesses or uses a telecommunication device or access code in the course of an official law enforcement investigation;

(2) a telecommunication service provider while lawfully acting in that capacity; or

(3) a person who is expressly authorized by a law enforcement unit or other lawful authority to:

(i) manufacture telecommunication devices or access codes for distribution or sale to a law enforcement unit or telecommunication service provider; or

(ii) distribute or sell telecommunication devices or access codes to law enforcement units or telecommunication service providers.

§7–315.

A person may not knowingly:

(1) possess, use, manufacture, distribute, transfer, sell, offer, promote, or advertise for sale, use, or distribution, an unlawful telecommunication device or access code:

(i) to commit a theft of telecommunication service; or

(ii) to receive, disrupt, transmit, decrypt, acquire, or facilitate the receipt, disruption, transmission, decryption, or acquisition of a telecommunication service without the express consent or express authorization of the telecommunication service provider;

(2) possess, use, manufacture, distribute, transfer, sell, offer, promote, or advertise for sale, use, or distribution an unlawful access device; or

(3) possess, use, prepare, distribute, sell, give, transfer, offer, promote, or advertise for sale, use, or distribution equipment, hardware, cables, tools, data, computer software, or other components, knowing that the purchaser or a third person intends to use them to manufacture an unlawful telecommunication device or access code for a purpose prohibited by this part.

§7–316.

(a) A person who violates § 7-315 of this part involving more than 100 unlawful telecommunication devices or access codes or unlawful access devices is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(b) A person who violates § 7-315 of this part involving 100 or fewer unlawful telecommunication devices or access codes or unlawful access devices is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

(c) In addition to any other sentence authorized by law, the court may require a person convicted of violating this part to make restitution in accordance with the Criminal Procedure Article.

(d) In addition to any other sentence authorized by law, the court may direct that a person convicted of a violation of this part forfeit to the State any unlawful telecommunication devices or access codes or unlawful access devices in the person's possession or control that were involved in the violation.

§7–317.

(a) A violation of § 7-315 of this part may be considered to have been committed at either:

(1) the place where the defendant manufactured the unlawful telecommunication device or access code or unlawful access device; or

(2) any place where the unlawful telecommunication device or access code or unlawful access device was sold or delivered to a purchaser or recipient.

(b) It is not a defense to a violation of this part that some of the acts constituting the violation occurred out of the State.

§7–318.

(a) A person who has suffered a specific and direct injury to a right protected by this part because of a violation of § 7-315 of this part may bring a civil action in a court of competent jurisdiction.

(b) The court:

(1) may impose preliminary and final injunctions to prevent or restrain a violation of § 7-315 of this part;

(2) at any time while an action is pending, may order the impounding of any unlawful telecommunication device or access code or unlawful access device that is in the custody or control of the violator and that the court has reasonable cause to believe was involved in the alleged violation of § 7-315 of this part;

(3) may award damages subject to subsection (d) of this section; or

(4) as part of a final judgment or decree finding a violation of § 7-315 of this part, may order the remedial modification or destruction of any unlawful telecommunication device or access code or unlawful access device involved in the violation that is in the custody or control of the violator or that has been impounded under paragraph (2) of this subsection.

(c) This section does not allow the District Court to grant relief under subsection (b)(1) of this section.

(d) (1) Damages awarded by a court under this section may be computed as actual damages suffered by the complaining party as a result of the violation of § 7-315 of this part and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages.

(2) In determining the profits of the violator under paragraph (1) of this subsection:

(i) the complaining party must prove only the violator's gross revenue; and

(ii) the violator must prove the deductible expenses and elements of profit attributable to factors other than the violation.

§8–101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Check" means a negotiable instrument that is not postdated at the time it is issued.

(c) "Drawer" means a person whose name appears on a check as the primary obligor, whether the actual signature on the check is that of the person or of another purportedly authorized to draw the check on the person's behalf.

(d) "Funds" means money or credit.

(e) "Issue", with respect to a check, means the act of a drawer or representative drawer who:

(1) delivers the check or causes it to be delivered to a person who acquires a right against the drawer with respect to the check as a result of the delivery; or

(2) draws the check with the intent that it be delivered to a person who on delivery would acquire a right assignable with respect to the check drawer and the check is delivered to that person.

(f) "Obtain" has the meaning stated in § 7-101 of this article.

(g) "Pass", with respect to a check, means delivering the check by a payee, holder, or bearer of the check, if:

(1) the check was or purports to have been drawn and issued by a person other than the person delivering the check; and

(2) the delivery was made to a third person who acquires a right with respect to the check as a result of the delivery or for a purpose other than collection.

(h) "Property" has the meaning stated in § 7-101 of this article.

(i) "Representative drawer" means a person who signs a check as drawer in a representative capacity or as agent of the drawer.

(j) "Service" includes:

(1) labor or professional service;

(2) telecommunication, public utility, toll facility, or transportation services;

(3) lodging, entertainment, or restaurant service; and

(4) the use of computers, data processing, or other equipment.

(k) "Value" has the meaning stated in § 7-103 of this article.

§8–102.

(a) For purposes of this subtitle, a drawer has insufficient funds with a drawee to cover a check when the drawer has with the drawee:

(1) no account;

(2) only a closed account;

(3) no funds; or

(4) funds in an amount that is less than the amount needed to cover the check.

(b) A check dishonored for "no account" has been dishonored for "insufficient funds".

§8–103.

(a) A person may not obtain property or services by issuing a check if:

(1) the person knows that there are insufficient funds with the drawee to cover the check and other outstanding checks;

(2) the person intends or believes when issuing the check that payment will be refused by the drawee on presentment; and

(3) payment of the check is refused by the drawee on presentment.

(b) A person may not obtain property or services by issuing a check if:

(1) when issuing the check, the person knows that the person or, in the case of a representative drawer, the person's principal intends, without the consent of the payee, to stop or countermand the payment of the check, or otherwise to cause the drawee to disregard, dishonor, or refuse to recognize the check; and

(2) payment is refused by the drawee on presentment.

(c) A person may not issue a check if:

(1) the check is in payment for services provided or to be provided by:

(i) an employee of the drawer or representative drawer; or

(ii) an independent contractor hired by the drawer or representative drawer;

(2) the drawer or representative drawer:

(i) intends or believes when issuing the check that payment will be refused by the drawee on presentment; or

(ii) knows that the drawer or, in the case of a representative drawer, the principal of the representative drawer has insufficient funds with the drawee to cover the check and other outstanding checks;

(3) the employee of the drawer or representative drawer or an independent contractor hired by the drawer or representative drawer passes the check to a third person; and

(4) payment is refused by the drawee on presentment.

(d) A person may not obtain property or services by passing a check if:

(1) the person knows that the drawer of the check has insufficient funds with the drawee to cover the check and other outstanding checks;

(2) the person intends or believes when passing the check that payment will be refused by the drawee on presentment; and

(3) payment of the check is refused by the drawee on presentment.

(e) A person may not obtain property or services by passing a check if:

(1) the person knows that:

(i) payment of the check has been stopped or countermanded; or

(ii) the drawee of the check will disregard, dishonor, or refuse to recognize the check; and

(2) payment is refused by the drawee on presentment.

§8–104.

(a) The drawer or representative drawer is presumed to know that there are insufficient funds whenever the drawer of a check has insufficient funds with the drawee to cover the check and other outstanding checks when issuing the check.

(b) The drawer or representative drawer of a dishonored check is presumed to have intended or believed that the check would be dishonored on presentment if:

(1) the drawer had no account with the drawee when issuing the check; or

(2) (i) when issuing the check, the drawer had insufficient funds with the drawee to cover the check and other outstanding checks;

(ii) the check was presented to the drawee for payment not more than 30 days after the date of issuing the check; and

(iii) the drawer had insufficient funds with the drawee at the time of presentment.

(c) A notice of protest of a check, or a certificate under oath of an authorized representative of the drawee declaring the dishonor of a check, the drawer's lack of an account, or that the drawer had insufficient funds introduced in evidence is presumptive evidence, that:

(1) the check was dishonored by the drawee; and

(2) the drawer had:

(i) no account with the drawee when the check was issued; or

(ii) insufficient funds with the drawee at the time of presentment and issuing of the check.

(d) The fact that a drawer or representative drawer, without the consent of the payee, stopped or countermanded the payment of the check, or otherwise caused the drawee to disregard, dishonor, or refuse to recognize the check without returning or tendering the return of the property obtained, is presumptive evidence that the drawer or representative drawer had the intent when issuing the check to stop or countermand payment or otherwise cause the drawee to disregard, dishonor, or refuse to recognize the check.

§8–105.

(a) A person who obtains property or services by issuing or passing a check in violation of § 8-103 of this subtitle may not be prosecuted under this article, if:

(1) other than falsely representing that there are sufficient funds with the drawee to cover the check, the issuing or passing of the check is not accompanied by a false representation; and

(2) the person who obtains the property or services makes the check good within 10 days after the drawee dishonors the check.

(b) (1) A prosecution may not be commenced against a person described in subsection (a) of this section earlier than 10 days after the drawee dishonors the check.

(2) A person who obtains property or services by issuing a check in violation of § 8-103 of this subtitle may be prosecuted immediately under this article, if the person issuing the check:

(i) is the drawer; and

(ii) did not have an account with the drawee when the check was issued.

(c) Unless specifically charged by the State, obtaining property or services with a value of less than $100 by issuing or passing a check in violation of § 8-103 of this subtitle, as provided in § 8-106(d) of this subtitle, may not be considered a lesser included crime of any other crime.

§8–106.

(a) (1) A person who obtains property or services with a value of at least $1,500 but less than $25,000 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(2) A person who obtains property or services with a value of at least $25,000 but less than $100,000 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both.

(3) A person who obtains property or services with a value of $100,000 or more by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both.

(b) A person who obtains property or services by issuing or passing more than one check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both if:

(1) each check that is issued is for at least $1,500 but less than $25,000 and is issued to the same person within a 30–day period; and

(2) the cumulative value of the property or services is at least $1,500 but less than $25,000.

(c) Except as provided in subsections (b) and (d) of this section, a person who obtains property or services with a value of at least $100 but less than $1,500 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(d) (1) A person who obtains property or services with a value of less than $100 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

(2) It is not a defense to the crime of obtaining property or services with a value of less than $100 by issuing or passing a check in violation of § 8–103 of this subtitle that the value of the property or services at issue is $100 or more.

§8–107.

In addition to the penalties provided in § 8-106 of this subtitle, if a person obtains property or services by issuing or passing a check in violation of § 8-103 of this subtitle, on conviction, the court:

(1) if the property has been recovered or is in the defendant's possession or control, may order restoration of the property to any person with a property interest in it;

(2) to the extent that the property is not restored or compensation has not been provided for the services, may order restitution of the value of the property or services obtained to be paid to:

(i) any person having a property interest in the property; or

(ii) the person who provided the services; and

(3) may order the defendant to pay a collection fee of up to $35, for each check, to:

(i) any person with a property interest in the property; or

(ii) the person who provided the services.

§8–108.

(a) A person may not pay a fine or cost imposed by a court by delivering a check issued by the person or another person if:

(1) the person knows that payment of the check has not been provided for; and

(2) payment of the check is refused by the drawee on presentment.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $100 or both.

§8–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Cardholder" means the person named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(c) (1) "Credit card" means an instrument or device issued by an issuer for the use of a cardholder in obtaining money, goods, services, or anything of value on credit.

(2) "Credit card" includes:

(i) a debit card, access card, or other device for use by a cardholder to effect a transfer of funds through an electronic terminal, telephone, or computer;

(ii) a magnetic tape that orders or authorizes a financial institution to debit or credit an account; and

(iii) a code, account number, or other means of account access that is not encoded or truncated and can be used to:

1. obtain money, goods, services, or anything of value; or

2. initiate a transfer of funds.

(3) "Credit card" does not include a check, draft, or similar paper instrument.

(d) "Issuer" means a business organization or financial institution that issues a credit card or the authorized agent of the business organization or financial institution.

§8–202.

(a) If a person violates §§ 8-203 through 8-209 of this subtitle as part of one scheme or a continuing course of conduct, from the same or several sources:

(1) the conduct may be considered as one violation; and

(2) the value of money, goods, services, or things of value may be aggregated in determining if the crime is a felony or a misdemeanor.

(b) Sections 8-203 through 8-209 of this subtitle may not be construed to preclude the applicability of any other provision of the criminal law of this State that applies or may apply to any transaction that violates §§ 8-203 through 8-209 of this subtitle, unless that provision is inconsistent with §§ 8-203 through 8-209 of this subtitle.

§8–203.

(a) A person may not make or cause to be made, directly or indirectly, a false statement in writing about the identity of the person or of another to procure the issuance of a credit card:

(1) knowing the statement to be false; and

(2) with the intent that the statement be relied on.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

§8–204.

(a) (1) A person may not:

(i) take a credit card from another, or from the possession, custody, or control of another without the consent of the cardholder; or

(ii) with knowledge that a credit card has been taken under the circumstances described in item (i) of this paragraph, receive the credit card with the intent to use it or sell or transfer it to another who is not the issuer or the cardholder.

(2) A person who violates this subsection is guilty of credit card theft.

(b) (1) A person may not receive a credit card that the person knows was lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder and retain possession of the credit card with the intent to use, sell, or transfer it to another who is not the issuer or the cardholder.

(2) A person who violates this subsection is guilty of credit card theft.

(c) A person may not:

(1) sell a credit card unless the person is the issuer; or

(2) buy a credit card from a person other than the issuer.

(d) A person other than the issuer may not receive a credit card that the person knows was taken or retained under circumstances that constitute:

(1) credit card theft;

(2) a violation of § 8-203 of this subtitle; or

(3) a violation of subsection (c) of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $500 or both.

§8–205.

(a) (1) In this section the following words have the meanings indicated.

(2) "Falsely emboss" means to complete a credit card without the authorization of the issuer named on the credit card by adding any of the matter, other than the signature of the cardholder, that the issuer requires to appear on a credit card before it can be used by a cardholder.

(3) "Falsely make" means:

(i) to make or draw, wholly or partly, a device or instrument that purports to be a credit card but that is not a credit card because an issuer did not authorize the making or drawing; or

(ii) to alter a credit card that was validly issued.

(b) A person may not, with the intent to defraud another:

(1) falsely make a purported credit card;

(2) falsely emboss a credit card; or

(3) transfer or possess:

(i) a falsely made instrument or device that purports to be a credit card, with knowledge that the instrument or device was falsely made; or

(ii) a falsely embossed credit card with knowledge that the credit card was falsely made or falsely embossed.

(c) A person other than the cardholder or one authorized by the cardholder may not sign a credit card with the intent to defraud another.

(d) A person who violates this section is guilty of the felony of credit card counterfeiting and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $1,000 or both.

§8–206.

(a) A person may not for the purpose of obtaining money, goods, services, or anything of value, and with the intent to defraud another, use:

(1) a credit card obtained or retained in violation of § 8–204 or § 8–205 of this subtitle; or

(2) a credit card that the person knows is counterfeit.

(b) A person may not, with the intent to defraud another, obtain money, goods, services, or anything of value by representing:

(1) without the consent of the cardholder, that the person is the holder of a specified credit card; or

(2) that the person is the holder of a credit card when the credit card had not been issued.

(c) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $1,500 but less than $25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $25,000 but less than $100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is $100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is at least $100 but less than $1,500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section is less than $100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§8–207.

(a) If a person is authorized by an issuer to furnish money, goods, services, or anything of value on presentation of a credit card by the cardholder, the person or an agent or employee of the person may not, with the intent to defraud the issuer or cardholder:

(1) furnish money, goods, services, or anything of value on presentation of:

(i) a credit card obtained or retained in violation of § 8–204 or § 8–205 of this subtitle; or

(ii) a credit card that the person knows is counterfeit; or

(2) fail to furnish money, goods, services, or anything of value that the person represents in writing to the issuer that the person has furnished.

(b) (1) (i) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least $1,500 but less than $25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(ii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least $25,000 but less than $100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both.

(iii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is $100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least $100 but less than $1,500, a person who violates

this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(3) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is less than $100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§8–208.

(a) In this section, "incomplete credit card" means a credit card that lacks any stamped, embossed, imprinted, or written matter, other than the signature of the cardholder, that an issuer requires to appear on a credit card before a cardholder can use the credit card.

(b) (1) Without the consent of the issuer, a person other than the cardholder may not possess an incomplete credit card with the intent to complete it.

(2) A person may not possess, with knowledge of its character, machinery, plates, or any other contrivance designed to reproduce an instrument purporting to be a credit card of an issuer that has not consented to the preparation of the credit card.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $1,000 or both.

§8–209.

(a) A person may not receive money, goods, services, or anything of value if the person knows or believes that the money, goods, services, or other thing of value was obtained in violation of § 8–206 of this subtitle.

(b) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $1,500 but less than $25,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least $25,000 but less than $100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is $100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is at least $100 but less than $1,500, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section is less than $100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§8–210.

(a) In this section, "publish" means to communicate information to one or more persons:

(1) orally:

(i) in person; or

(ii) by telephone, radio, or television; or

(2) in a writing of any kind.

(b) A person may not publish or cause to be published the number or code of an existing, canceled, revoked, expired, or nonexistent telephone credit card, or the numbering or coding system that is used in issuing telephone credit cards, with the intent that the number, code, or system be used or with knowledge that it may be used fraudulently to avoid paying a lawful toll charge.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or a fine not exceeding $500 or both.

§8–211.

(a) It is not a defense to a crime under § 8-206, § 8-207, or § 8-209 of this subtitle involving money, goods, services, and other things of value with a value not

exceeding $100 that the value of the money, goods, services, and other things of value at issue is more than $100.

(b) Unless specifically charged by the State, a violation of § 8-206, § 8-207, or § 8-209 of this subtitle involving money, goods, services, and other things of value with a value not exceeding $100, may not be considered a lesser included crime of any other crime.

§8–213.

(a) In this part the following words have the meanings indicated.

(b) "Authorized use, disclosure, or receipt" means any use, disclosure, or receipt necessary to accomplish the specific purpose for which the person issued a credit card number or payment device number, or granted to another the right to use, disclose, or receive the credit card number or other payment device number.

(c) "Holder" means a person who:

(1) has been issued a credit card number or other payment device number; or

(2) is authorized by the person who has been issued a credit card number or other payment device number to use, disclose, or receive that credit card number or payment device number.

(d) (1) "Holder's signature" means the signature of a holder in connection with a credit application or credit card transaction.

(2) "Holder's signature" includes an electronically recorded signature.

(e) "Payment device number" means a code, account number, or other means of account access, other than a check, draft, or similar paper instrument, that can be used to obtain money, goods, services, or anything of value, or for purposes of initiating a transfer of funds.

(f) (1) "Person" has the meaning stated in § 1–101 of this article.

(2) "Person" includes a business trust, statutory trust, estate, trust, and two or more persons having a joint or common interest.

§8–214.

(a) A person may not use or disclose any credit card number or other payment device number or holder's signature unless:

(1) the person is the holder of the credit card number or payment device number;

(2) the disclosure is made to the holder or issuer of the credit card number or payment device number;

(3) the use or disclosure is:

(i) required under federal or State law;

(ii) at the direction of a governmental unit in accordance with law; or

(iii) in response to the order of a court having jurisdiction to issue the order;

(4) the disclosure is in connection with an authorization, processing, billing, collection, chargeback, insurance collection, fraud prevention, or credit card or payment device recovery that relates to the credit card number or payment device number, an account accessed by the credit card number or payment account number, a debt for which the holder or a person authorized by the holder gave the credit card number or payment device number for purposes of identification, or a debt or obligation arising, alone or in conjunction with another means of payment, from the use of the credit card number or payment device number;

(5) except as provided in subsection (b) of this section, the disclosure is reasonably necessary in connection with:

(i) the sale or pledge, or negotiation of the sale or pledge, of any portion of a business or the assets of a business;

(ii) the management, operation, or other activities involving the internal functioning of the person making the disclosure; or

(iii) the management, operation, or other activities involving disclosures between a corporation and its subsidiaries or controlled affiliates or between the subsidiaries or the controlled affiliates;

(6) the disclosure is made to a consumer reporting agency, as defined in § 14-1201 of the Commercial Law Article;

(7) subject to subsection (d) of this section, whether or not the person is a consumer reporting agency and whether or not the disclosure is a consumer report, the disclosure is made under a circumstance specified in the credit reporting provisions of § 14-1202(3)(i), (ii), (iii), or (iv) of the Commercial Law Article; or

(8) the disclosure is allowed under § 1-303 of the Financial Institutions Article.

(b) A disclosure for marketing purposes may not be made if the holder of an active credit card number or payment device number has prohibited the issuer in writing at the issuer's address from using the card or number for marketing purposes.

(c) (1) Notwithstanding subsection (a)(5)(iii) of this section, a disclosure for marketing purposes may not be made if the holder of an active credit card number or payment device number, other than an encoded credit card number or encoded payment device number, has notified the issuer in writing at an address specified by the issuer, that disclosure for marketing purposes is not allowed.

(2) The issuer shall notify each holder of an active credit card number or payment device number of the nondisclosure option and the specified address on a periodic basis at the issuer's discretion at least once each year.

(3) The issuer shall comply with the holder's election within 45 days after receiving the holder's response.

(4) The election shall remain in effect until the holder rescinds the election or until there have been no debits or credits to the credit card number or payment device number for a 12-month period.

(d) Notwithstanding subsection (a)(7) of this section, and except as provided in § 14-1202(3)(i) of the Commercial Law Article, a person may not furnish a report containing a credit card number or payment device number before receiving an individual written, electronic, or other tangible record of a certification from the requestor:

(1) containing the reason that the credit card number or payment device number is required; and

(2) stating that the credit card number or payment device number:

(i) cannot be obtained under a circumstance specified under this part or Title 14 of the Commercial Law Article; or

(ii) is needed for security, or loss or fraud prevention purposes.

§8–214.1.

(a) In a criminal case or juvenile proceeding involving a violation of § 8–204, § 8–205, § 8–206, § 8–207, § 8–208, § 8–209, § 8–210, or § 8–214 of this subtitle or § 8–301 of this title, an affidavit sworn to by a lawful credit cardholder may be introduced as substantive evidence that the credit card or credit card number was taken, used, or possessed without the authorization of the credit cardholder.

(b) (1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit as provided under this section, the State shall provide written notice to the defendant that the State intends to:

(i) rely on the affidavit; and

(ii) introduce the affidavit into evidence at the proceeding.

(2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.

§8–216.

A person who violates this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $1,000 or both.

§8–217.

(a) (1) The Attorney General may institute a civil action against a person who violates this part to recover for the State a civil penalty not exceeding $1,000 for each violation.

(2) For the purposes of this subsection, each prohibited disclosure or use of a credit card number, payment device number, or holder's signature is an independent violation.

(b) The Attorney General may seek an injunction in a civil action to prohibit a person who has engaged or is engaged in a violation of this part from engaging in the violation.

§8–301.

(a) (1) In this section the following words have the meanings indicated.

(2) "Health care" means care, services, or supplies related to the health of an individual that includes the following:

(i) preventative, diagnostic, therapeutic, rehabilitative, maintenance care, palliative care and counseling, service assessment, or procedure:

1. with respect to the physical or mental condition or functional status of an individual; or

2. that affects the structure or function of the body; and

(ii) the sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(3) "Health information" means any information, whether oral or recorded in any form or medium, that:

(i) is created or received by:

1. a health care provider;

2. a health care carrier;

3. a public health authority;

4. an employer;

5. a life insurer;

6. a school or university; or

7. a health care clearinghouse; and

(ii) relates to the:

1. past, present, or future physical or mental health or condition of an individual;

2. provision of health care to an individual; or

3. past, present, or future payment for the provision of health care to an individual.

(4) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

(5) "Payment device number" has the meaning stated in § 8–213 of this title.

(6) (i) "Personal identifying information" includes a name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, health insurance identification number, medical identification number, mother's maiden name, bank or other financial institution account number, date of birth, personal identification number, unique biometric data, including fingerprint, voice print, retina or iris image or other unique physical representation, digital signature, credit card number, or other payment device number.

(ii) "Personal identifying information" may be derived from any element in subparagraph (i) of this paragraph, alone or in conjunction with any other information to identify a specific natural or fictitious individual.

(7) "Re–encoder" means an electronic device that places encoded personal identifying information or a payment device number from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or any electronic medium that allows such a transaction to occur.

(8) "Skimming device" means a scanner, skimmer, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, personal identifying information or a payment device number encoded on the magnetic strip or stripe of a credit card.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care.

(b–1) A person may not maliciously use an interactive computer service to disclose or assist another person to disclose the driver's license number, bank or other financial institution account number, credit card number, payment device number, Social Security number, or employee identification number of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual.

(c) A person may not knowingly and willfully assume the identity of another, including a fictitious person:

(1) to avoid identification, apprehension, or prosecution for a crime; or

(2) with fraudulent intent to:

(i) get a benefit, credit, good, service, or other thing of value;

(ii) access health information or health care; or

(iii) avoid the payment of debt or other legal obligation.

(d) A person may not knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value or to access health information or health care, use:

(1) a re–encoder to place information encoded on the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any other electronic medium that allows such a transaction to occur without the consent of the individual authorized to use the credit card from which the personal identifying information or payment device number is being re–encoded; or

(2) a skimming device to access, read, scan, obtain, memorize, or store personal identifying information or a payment device number on the magnetic strip or stripe of a credit card without the consent of the individual authorized to use the credit card.

(e) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another possess or obtain a re–encoder device or a skimming device for the unauthorized use, sale, or transfer of personal identifying information or a payment device number.

(f) A person may not knowingly and willfully claim to represent another person without the knowledge and consent of that person, with the intent to solicit, request, or take any other action to otherwise induce another person to provide personal identifying information or a payment device number.

(g) (1) (i) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least $1,500 but less than $25,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(ii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least $25,000 but less than $100,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both.

(iii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of $100,000 or more is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both.

(2) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least $100 but less than $1,500 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(3) A person who violates this section under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both.

(4) A person who violates subsection (b–1), (c)(1), (e), or (f) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(5) When the violation of this section is pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one violation and the value of the benefit, credit, good, service, or other thing of value may be aggregated in determining whether the violation is a felony or misdemeanor.

(h) A person described in subsection (g)(2) or (4) of this section is subject to § 5–106(b) of the Courts Article.

(i) In addition to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article, a court may order a person who pleads guilty or nolo contendere or who is found guilty under this section to make restitution to the victim for reasonable costs, including reasonable attorney's fees, incurred:

(1) for clearing the victim's credit history or credit rating;

(2) for clearing the victim's record or history related to health information or health care; and

(3) in connection with a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim that arose because of the violation.

(j) A sentence under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

(k) Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this section throughout the State without regard to any limitation otherwise applicable to the Department's activities in a municipal corporation or other political subdivision.

(l) (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, the Maryland Port Administration Police, the Park Police of the Maryland–National Capital Park and Planning Commission, or a municipal corporation or county may investigate violations of this section throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Department of State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(4) The authority granted in paragraph (1) of this subsection may be exercised only if an act related to the crime was committed in the investigating law enforcement agency's jurisdiction or if the complaining witness resides in the investigating law enforcement agency's jurisdiction.

(m) If action is taken under the authority granted in subsection (l) of this section, notification of an investigation:

(1) in a municipal corporation, shall be made to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, shall be made to the chief of police or designee of the chief of police;

(3) in a county without a police department, shall be made to the sheriff or designee of the sheriff;

(4) in Baltimore City, shall be made to the Police Commissioner or the Police Commissioner's designee;

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, shall be made to the respective chief of police or the chief's designee; and

(6) on property owned, leased, or operated by or under the control of the Maryland–National Capital Park and Planning Commission, to the chief of police of the Maryland–National Capital Park and Planning Commission for the county in which the property is located.

(n) When acting under the authority granted in subsection (k) or (l) of this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

(o) (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

(p) Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.

§8–302.

(a) In this section, "offer for sale" includes to induce, solicit, attempt, or advertise in a manner intended to encourage a person to purchase an identification card.

(b) Subject to subsection (c) of this section, a person may not:

(1) sell, issue, offer for sale, or offer to issue an identification card or document that contains:

(i) a blank space for a person's age or date of birth; or

(ii) a person's incorrect age or date of birth; or

(2) knowingly sell, issue, offer for sale, or offer to issue an identification card or document that contains:

(i) an incorrect name instead of a person's true name; or

(ii) an incorrect address for a person.

(c) This section does not prohibit a manufacturer of identification cards or documents from selling or issuing identification cards or documents that contain a blank space for a person's age or date of birth to:

(1) employers, for use as employee identification cards or documents;

(2) hospitals, for use as patient identification cards; or

(3) governmental units.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(2) Each identification card or document sold or issued and each offer in violation of this section is a crime that may be separately prosecuted.

(e) The Attorney General, or the State's Attorney for a county where a violation of this section occurs, may seek an injunction to stop a sale, issue, or offer that violates this section.

§8–303.

(a) In this section, "government identification document" means one of the following documents issued by the United States government or any state or local government:

(1) a passport;

(2) an immigration visa;

(3) an alien registration card;

(4) an employment authorization card;

(5) a birth certificate;

(6) a Social Security card;

(7) a military identification;

(8) an adoption decree;

(9) a marriage license;

(10) a driver's license; or

(11) a photo identification card.

(b) A person may not, with fraudulent intent:

(1) possess a fictitious or fraudulently altered government identification document;

(2) display, cause, or allow to be displayed a fictitious or fraudulently altered government identification document;

(3) lend a government identification document to another or knowingly allow the use of the person's government identification document by another; or

(4) display or represent as the person's own a government identification document not issued to the person.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§8–304.

(a) A person who knows or reasonably suspects that the person is a victim of identity fraud, as prohibited under this subtitle, may contact a local law enforcement agency that has jurisdiction over:

(1) any part of the county in which the person lives; or

(2) any part of the county in which the crime occurred.

(b) After being contacted by a person in accordance with subsection (a) of this section, a local law enforcement agency shall promptly:

(1) prepare and file a report of the alleged identity fraud; and

(2) provide a copy of the report to the victim.

(c) The local law enforcement agency contacted by the victim may subsequently refer the matter to a law enforcement agency with proper jurisdiction.

(d) A report filed under this section is not required to be counted as an open case for purposes including compiling open case statistics.

§8–305.

(a) (1) In this section the following words have the meanings indicated.

(2) "Identity fraud" means a violation of § 8–301 of this subtitle.

(3) "Identity theft passport" means a card or certificate issued by the Attorney General that verifies the identity of the person who is a victim of identity fraud.

(b) A person who knows or reasonably suspects that the person is a victim of identity fraud and has filed a report under § 8–304 of this subtitle may apply for an identity theft passport through a law enforcement agency.

(c) A law enforcement agency that receives an application for an identity theft passport shall submit the application and a copy of the report filed under § 8–304 of this subtitle to the Attorney General for processing and issuance of an identity theft passport.

(d) (1) The Attorney General, in cooperation with a law enforcement agency, may issue an identity theft passport to a person who is a victim of identity fraud.

(2) The Attorney General may not issue an identity theft passport to a person before completing a background check on the person.

(e) A person who is issued an identity theft passport under subsection (d) of this section may present the identity theft passport to:

(1) a law enforcement agency to help prevent the arrest or detention of the person for an offense committed by another using the person's personal identifying information; or

(2) a creditor to aid in the investigation of:

(i) a fraudulent account that is opened in the person's name; or

(ii) a fraudulent charge that is made against an account of the person.

(f) (1) A law enforcement agency or creditor that is presented with an identity theft passport under subsection (e) of this section has sole discretion to accept or reject the identity theft passport.

(2) In determining whether to accept or reject the identity theft passport, the law enforcement agency or creditor may consider the surrounding circumstances and available information regarding the offense of identity fraud against the person.

(g) An application for an identity theft passport submitted under this section, including any supporting documentation:

(1) is not a public record; and

(2) may not be released except to a law enforcement agency in this or another state.

(h) The Attorney General shall adopt regulations to carry out the provisions of this section.

§8–401.

(a) A partner may not with fraudulent intent:

(1) convert or appropriate to the partner's own use partnership money or property;

(2) make, or cause to be made, a false entry in partnership records of a partnership transaction; or

(3) fail to make or cause to be made an entry in partnership records to show the true state of a transaction:

(i) relating to partnership business; or

(ii) involving the use of partnership money or property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§8–402.

(a) With intent to defraud, an officer or agent of a corporation may not sign, or in any manner assent to, a statement to or a publication for the public or the shareholders that contains false representations of the corporation's assets, liabilities, or affairs, to:

(1) enhance or depress the market value of the corporation's shares or obligations; or

(2) commit fraud in another manner.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 6 months and not exceeding 3 years or a fine not less than $1,000 and not exceeding $10,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§8–403.

(a) A debtor who possesses personal property that is subject to a security interest may not secrete, hypothecate, destroy, or sell the property or remove the property from the county where it was located when the security interest attached:

(1) without the written consent of the secured party or the secured party's assignee; and

(2) with the intent to defraud the secured party.

(b) (1) A debtor who possesses personal property that is under levy pursuant to a writ of execution may not remove, secrete, hypothecate, destroy, or sell the property or remove the property from the county where it was located when the levy was made:

(i) without the prior written consent of the judgment creditor, the judgment creditor's lawfully authorized agent, or the judgment creditor's assignee; and

(ii) with intent to defraud the judgment creditor or the judgment creditor's assignee, and defeat the lien of the judgment creditor or the judgment creditor's assignee under the levy.

(2) This subsection does not relieve the sheriff or other officer making the levy from responsibility to the judgment creditor for safekeeping personal property taken into possession by the sheriff or other officer making the levy.

(c) A seller of personal property who possesses the personal property under a recorded bill of sale may not remove, secrete, hypothecate, destroy, or sell the property or remove the property from the county where it was located when sold:

(1) without prior written consent in the contract of the buyer or the buyer's assignee; and

(2) with intent to defraud the buyer.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§8–404.

(a) (1) In this section the following words have the meanings indicated.

(2) "Compensation" includes payment based on a sale or distribution made to a person who:

(i) is a participant in a plan or operation; or

(ii) on making a payment, is entitled to become a participant.

(3) "Consideration" does not include:

(i) payment for purchase of goods or services furnished at cost for use in making sales to persons who are not participants in the scheme and who are not purchasing in order to participate in the scheme;

(ii) time or effort spent in pursuit of sales or recruiting activities; or

(iii) the right to receive a discount or rebate based on the purchase or acquisition of goods or services by a bona fide cooperative buying group or association.

(4) "Promote" means to induce one or more persons to become a participant.

(5) "Pyramid promotional scheme" means a plan or operation by which a participant gives consideration for the opportunity to receive compensation to be derived primarily from any person's introduction of others into participation in the plan or operation rather than from the sale of goods, services, or other intangible property by the participant or others introduced into the plan or operation.

(b) A person may not establish, operate, advertise, or promote a pyramid promotional scheme.

(c) It is not a defense to a prosecution under this section that:

(1) the plan or operation limits the number of persons who may participate or limits the eligibility of participants; or

(2) on payment of anything of value by a participant, the participant obtains any other property in addition to the right to receive compensation.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $10,000 or both.

§8–405.

(a) This section applies only to a person employed in any capacity in the management or navigation of a vessel on a river, canal, bay, or other waters exclusively within the State whether or not the person is a co-owner of or has an interest in any of the cargo of the vessel.

(b) A person may not sell, give away, pledge, or in any manner dispose of the cargo of a vessel or an article or commodity on the vessel:

(1) without the consent of the owner; and

(2) with the intent to defraud the owner.

(c) A person who sells the cargo of a vessel or an article or commodity on the vessel with the consent of the owner may not neglect or refuse to pay to the owner the consideration received by the person with the intent to defraud the owner.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 6 months and not exceeding 1 year or a fine not less than $500 and not exceeding $1,000 or both.

§8–406.

(a) A person, on the person's own behalf or on behalf of another, who receives, accepts, or takes in trust from another a warehouse or elevator receipt, bill of lading, or document giving, or purporting to give, title to, or the right to possession of, goods, wares, merchandise, or other personal property, subject to a written contract expressing the terms and conditions of the trust, may not fail to fulfill in good faith the terms and conditions of the trust.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 1 year and not exceeding 10 years or a fine not less than $500 and not exceeding $5,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§8–407.

(a) This section applies to a written contract or written lease for a leased or rented good or thing of value whether or not the contract or lease contains an option to purchase the good or thing of value if the lease:

(1) does not exceed a period of 6 months; and

(2) is for a good or thing with a value of $1,500 or more.

(b) A person may not fraudulently convert to the person's own use a good or thing of value received under a written contract or written lease entered into for the purpose of renting or leasing things for valuable consideration.

(c) The failure to return the good or thing of value to the possession of, or account for the good or thing of value with, the person who delivered the good or thing of value at the time or in the manner described in the written contract or written lease is prima facie evidence of intent to fraudulently convert the good or thing of value.

(d) (1) A person may not be prosecuted under this section if within 10 days after a written demand for the return of the good or thing of value is mailed by certified United States mail, return receipt requested, to the person who received the good or thing of value at the last address known to the person who delivered the good or thing of value, the person returns the good or thing of value to the possession of, or accounts for the good or thing of value with, the person who delivered the good or thing of value.

(2) A prosecution may not be started until 10 days after a written demand described in paragraph (1) of this subsection is mailed.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $1,000 or both.

(f) A person who violates this section shall restore the good or thing of value converted to the person's own use or pay the full value to the owner or the person who delivered the good or thing of value.

(g) (1) A prosecution under this section does not preclude prosecution for theft under § 7–104 of this article.

(2) If a person is convicted under § 7–104 of this article and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7–104 of this article.

§8–408.

(a) (1) In this section the following words have the meanings indicated.

(2) "Direct loan agreement" means an agreement between a lender and a borrower under which the lender advances funds under a loan secured by the motor vehicle purchased by the borrower.

(3) (i) "Installment sale agreement" means a contract for the sale or lease of a motor vehicle, negotiated or entered into in the State, under which:

1. part or all of the price is payable in one or more payments after the contract is made; and

2. the seller takes collateral security or keeps a security interest in the motor vehicle sold.

(ii) "Installment sale agreement" includes:

1. a prospective installment sale agreement;

2. a purchase money security agreement;

3. a contract for the bailment or leasing of a motor vehicle under which the bailee or lessee contracts to pay as compensation a sum that is substantially equal to or is more than the value of the motor vehicle; and

4. a renewal, extension, or refund agreement.

(4) "Lease contract" means a contract for or in contemplation of a lease for the use of a motor vehicle, and the purchase of services incidental to the lease, for a term of more than 4 months.

(5) "Lessor" means a person who leases a motor vehicle to another under a lease contract.

(6) "Motor vehicle" means a vehicle for which an owner is required to obtain a certificate of title under Title 13 of the Transportation Article.

(7) "Motor vehicle agreement" means a lease contract, direct loan agreement, installment sale agreement, or security agreement.

(8) "Secured party" means a person who has a security interest in a vehicle.

(9) "Security agreement" means a written agreement that reserves or creates a security interest.

(10) (i) "Security interest" means an interest in a vehicle that is reserved or created by agreement and that secures payment or performance of an obligation.

(ii) "Security interest" includes the interest of a lessor under a lease intended as security.

(11) (i) "Seller" means a person who sells or leases or agrees to sell or lease a motor vehicle under an installment sale agreement.

(ii) "Seller" includes a present holder of an installment sale agreement.

(b) A person may not engage in an act of unlawful subleasing of a motor vehicle in which:

(1) the motor vehicle is subject to a motor vehicle agreement the terms of which prohibit the transfer or assignment of a right or interest in the motor vehicle or under the motor vehicle agreement without consent of the lessor or secured party;

(2) the person is not a party to the motor vehicle agreement;

(3) the person:

(i) transfers or assigns, or purports to transfer or assign, a right or interest in the motor vehicle or under a motor vehicle agreement to a person who is not a party to the motor vehicle agreement; or

(ii) assists, causes, negotiates, attempts to negotiate, or arranges an actual or purported transfer of a right or interest in the motor vehicle or under a motor vehicle agreement from a person, other than the lessor or secured party, who is a party to the motor vehicle agreement;

(4) neither the person nor the party to the motor vehicle agreement obtains written consent to the transfer or assignment from the lessor or secured party before conducting the acts described in item (3) of this subsection; and

(5) the person receives or intends to receive a commission, compensation, or other consideration for engaging in the acts described in item (3) of this subsection.

(c) (1) It is not an act of unlawful subleasing of a motor vehicle under this section if the acts under subsection (b)(3) of this section are engaged in by a person who is:

(i) a party to the motor vehicle agreement; or

(ii) a dealer or vehicle salesman licensed under Title 15 of the Transportation Article and engaged in vehicle sales who assists, causes, or arranges a transfer or assignment under the terms of an agreement for the purchase or lease of another motor vehicle.

(2) Paragraph (1) of this subsection does not affect the enforceability of a provision of a motor vehicle agreement by a party to the agreement.

(3) A party to a motor vehicle agreement may not be prosecuted under this section as an accessory to the act of unlawful subleasing of the motor vehicle that is subject to the motor vehicle agreement.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§8–501.

In this part, "fraud" includes:

(1) the willful making of a false statement or a false representation;

(2) the willful failure to disclose a material change in household or financial condition; or

(3) the impersonation of another.

§8–502.

This part does not apply to a violation of Part II of this subtitle.

§8–503.

(a) This section applies to money, property, food stamps, or other assistance that is provided under a social or nutritional program based on need that is:

(1) financed wholly or partly by the State; and

(2) administered by the State or a political subdivision of the State.

(b) By fraud, a person may not obtain, attempt to obtain, or help another person to obtain or attempt to obtain, money, property, food stamps, or other assistance to which the person is not entitled.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(d) (1) A person who is convicted of a violation of this section shall make full restitution of the money or the value of the property, food stamps, or other assistance obtained by the person in violation of this section.

(2) Full restitution under paragraph (1) of this subsection shall be made after the person has received notice and has been given the opportunity to be heard as to the amount of payment and how it is to be made.

§8–504.

(a) An application for money, property, food stamps, or other assistance, under a nutritional program based on need or a social program financed in whole or in part by the State, and administered by the Department of Human Services, the Maryland Department of Health, or a local department of social services, whether under this or any other article of the Code, shall be in writing and signed by the applicant.

(b) A person may not make a false or fraudulent statement with the intent to obtain money, property, food stamps, or other assistance in making and signing the application required in subsection (a) of this section.

(c) A person who violates this section is guilty of the misdemeanor of perjury and on conviction is subject to the penalties provided for perjury in § 9–101 of this article.

§8–505.

(a) A person with intent to defraud may not make an unauthorized disposition of food donated under a program of the federal government.

(b) A person who is not authorized to receive food donated under any program of the federal government may not convert the food to the person's own use or benefit.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§8–508.

(a) In this part the following words have the meanings indicated.

(b) "False representation" means the knowing and willful:

(1) concealing, falsifying, or omitting of a material fact;

(2) making of a materially false or fraudulent statement; or

(3) use of a document that contains a statement of material fact that the user knows to be false or fraudulent.

(c) (1) "Health care service" means health or medical care procedures, goods, or services that:

(i) provide testing, diagnosis, or treatment of human disease or dysfunction; or

(ii) dispense drugs, medical devices, medical appliances, or medical goods for the treatment of human disease or dysfunction.

(2) "Health care service" includes any procedure, goods, or service that is a required benefit of a State health plan.

(d) "Representation" includes an acknowledgment, certification, claim, ratification, report of demographic statistics, encounter data, enrollment claims, financial information, health care services available or rendered, and qualifications of a person rendering health care or ancillary services.

(e) "Serious injury" means an injury that:

(1) creates a substantial risk of death;

(2) causes serious permanent or serious protracted disfigurement;

(3) causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty;

(4) causes serious permanent or serious protracted impairment of the function of any bodily member or organ; or

(5) involves extreme physical pain.

(f) (1) "State health plan" includes:

(i) the State Medical Assistance Plan established in accordance with Title XIX of the federal Social Security Act of 1939;

(ii) a medical assistance plan established by the State; or

(iii) a private health insurance carrier, health maintenance organization, managed care organization as defined in § 15-101 of the Health - General Article, health care cooperative or alliance, or other person that provides or contracts to provide health care services that are wholly or partly reimbursed by or are a required benefit of a health plan established in accordance with Title XIX of the federal Social Security Act of 1939 or by the State.

(2) "State health plan" includes a person that provides or contracts or subcontracts to provide health care services for an entity described in paragraph (1) of this subsection.

§8–509.

A person may not:

(1) knowingly and willfully defraud or attempt to defraud a State health plan in connection with the delivery of or payment for a health care service;

(2) knowingly and willfully obtain or attempt to obtain by means of a false representation money, property, or any thing of value in connection with the delivery of or payment for a health care service that wholly or partly is reimbursed by or is a required benefit of a State health plan;

(3) knowingly and willfully defraud or attempt to defraud a State health plan of the right to honest services; or

(4) with the intent to defraud make a false representation relating to a health care service or a State health plan.

§8–510.

A person who has applied for or received a benefit or payment under a State health plan for the use of another individual may not knowingly and willfully convert all or any part of a State health plan benefit or payment to a use that is not for the authorized beneficiary.

§8–511.

A person may not:

(1) provide to another individual items or services for which payment wholly or partly is or may be made from federal or State funds under a State health plan; and

(2) solicit, offer, make, or receive a kickback or bribe in connection with providing those items or services or making or receiving a benefit or payment under a State health plan.

§8–512.

A person may not solicit, offer, make, or receive a rebate of a fee or charge for referring another individual to a third person to provide items or services for which payment wholly or partly is or may be made from federal or State funds under a State health plan.

§8–513.

A person may not knowingly and willfully make, cause to be made, induce, or attempt to induce the making of a false representation with respect to the conditions or operation of a facility, institution, or State health plan in order to help the facility, institution, or State health plan qualify to receive reimbursement under a State health plan.

§8–514.

A person may not knowingly and willfully obtain, attempt to obtain, or aid another individual in obtaining or attempting to obtain a drug product or medical care, the payment of all or a part of which is or may be made from federal or State funds under a State health plan, by:

(1) fraud, deceit, false representation, or concealment;

(2) counterfeiting or alteration of a medical assistance prescription or a pharmacy assistance prescription distributed under a State health plan;

(3) concealment of a material fact; or

(4) using a false name or a false address.

§8–515.

A person may not knowingly and willfully possess a medical assistance card or a pharmacy assistance card distributed under a State health plan or the Medical Assistance or Pharmacy Assistance Program established by Title 15 of the Health - General Article without the authorization of the person to whom the card is issued.

§8–516.

(a) If a violation of this part results in the death of an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding life or a fine not exceeding $200,000 or both.

(b) If a violation of this part results in serious injury to an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $100,000 or both.

(c) If the value of the money, health care services, or other goods or services involved is $1,500 or more in the aggregate, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $100,000 or both.

(d) A person who violates any other provision of this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $50,000 or both.

(e) (1) In this subsection, "business entity" includes an association, firm, institution, partnership, and corporation.

(2) A business entity that violates a provision of this part is subject to a fine not exceeding:

(i) $250,000 for each felony; and

(ii) $100,000 for each misdemeanor.

§8–517.

(a) A health care provider who violates a provision of this part is liable to the State for a civil penalty not more than three times the amount of the overpayment.

(b) The civil penalty provided in this section is in addition to any other penalty provided by law.

(c) This section may not be construed to limit a victim's right to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

§8–520.

(a) In this section, "public safety officer" means:

(1) a police officer;

(2) a paid or volunteer fire fighter;

(3) an emergency medical technician;

(4) a rescue squad member;

(5) the State Fire Marshal; or

(6) a sworn officer of the State Fire Marshal.

(b) This section does not prohibit, limit, or interfere with the right of an off-duty public safety officer who is not in uniform from participating in a charitable or other fundraising campaign.

(c) A person may not encourage, solicit, or receive contributions of money or any thing of value for, or offer any thing for sale in, a charitable or other fundraising campaign by representing to the public that the charitable or other fundraising campaign is approved by:

(1) a police or fire department in the State without the prior written consent of the chief administrative officer of the police or fire department or from the chief administrative officer's designee; or

(2) a public safety officer or member of the family of a public safety officer without the prior written consent of the public safety officer or a family member of the public safety officer.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $1,000 or both for each violation.

§8–521.

(a) A person may not obtain or attempt to obtain legal representation from the Office of the Public Defender by willfully and knowingly:

(1) making a false representation or false statement;

(2) failing to disclose the person's true financial condition; or

(3) using any other fraudulent means.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§8–522.

(a) This section applies to a simulated document even if the document contains a statement that it is not legal process or a government document.

(b) (1) A person may not use, sell, or send or deliver to another, with the intent to induce the payment of a claim, a document that:

(i) simulates a summons, complaint, or other court process of any kind; or

(ii) implies that the person is a part of or associated with a unit of the federal government or a unit of the State or a county or municipal government.

(2) With intent to induce the payment of a claim, a person may not use a seal, insignia, envelope, or any other form that simulates the seal, insignia, envelope, or form of any governmental unit.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(1) $100 for the first violation; and

(2) $500 for each subsequent violation.

(d) This section does not prohibit the printing, publication, or distribution of genuine court or legal process forms in blank.

(e) Proof that the document was mailed or delivered to any person with the intent that it be forwarded to the intended recipient is sufficient proof of sending.

(f) A person who has been charged with a violation of this section may be prosecuted in the county in which the simulated document was used, sold, sent, or delivered.

§8–523.

(a) (1) In this section the following words have the meanings indicated.

(2) "Housing agency" means an agency established to administer a housing assistance program under the Housing and Community Development Article.

(3) "Housing assistance" means financial assistance, as defined in § 1-101 of the Housing and Community Development Article, offered for the purpose of obtaining housing based on need under a program administered by a housing agency and financed wholly or partially by federal, State, or local funds.

(b) A person may not knowingly make a false statement of a material fact for the purpose of influencing a housing agency regarding:

(1) an application for housing assistance; or

(2) an action affecting housing assistance already provided.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§8–601.

(a) A person, with intent to defraud another, may not counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting any:

(1) bond;

(2) check;

(3) deed;

(4) draft;

(5) endorsement or assignment of a bond, draft, check, or promissory note;

(6) entry in an account book or ledger;

(7) letter of credit;

(8) negotiable instrument;

(9) power of attorney;

(10) promissory note;

(11) release or discharge for money or property;

(12) title to a motor vehicle;

(13) waiver or release of mechanics' lien; or

(14) will or codicil.

(b) A person may not knowingly, willfully, and with fraudulent intent possess a counterfeit of any of the items listed in subsection (a) of this section.

(c) (1) A person who violates subsection (a) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $1,000 or both.

(2) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(d) Notwithstanding any other provision of law, the prosecution of an alleged violation of this section or for an alleged violation of a crime based on an act that establishes a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred;

(2) the deed or other alleged counterfeit instrument is recorded in the county land records, filed with the clerk of the circuit court, or filed with the register of wills;

(3) the victim resides; or

(4) if the victim is not an individual, the victim conducts business.

§8–602.

(a) A person, with intent to defraud another, may not issue or publish as true a counterfeit instrument or document listed in § 8-601 of this subtitle.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $1,000 or both.

§8–603.

(a) A person may not knowingly possess, with unlawful intent, a counterfeit title to a motor vehicle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§8–604.

(a) A person may not, with intent to defraud:

(1) manufacture United States currency;

(2) counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting United States currency; or

(3) make, scan, record, reproduce, transmit, or have in the person's control, custody, or possession an analog, digital, or electronic image of United States currency.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§8–604.1.

(a) A person may not knowingly possess, with unlawful intent, or issue counterfeit United States currency.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§8–605.

(a) (1) A person may not counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting:

(i) a commission, patent, pardon, order for release, or other court document; or

(ii) a warrant, certificate, or other public security from which money may be drawn from the treasury of the State.

(2) A person may not write, sign, or possess a counterfeit:

(i) commission, patent, pardon, order for release, or other court document; or

(ii) warrant, certificate, or other public security from which money may be drawn from the treasury of the State.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

§8–606.

(a) (1) In this section the following words have the meanings indicated.

(2) "Access" means to instruct, communicate with, store data in, or retrieve data from, or otherwise use equipment including computers and other data processing equipment or resources connected with computers or other data processing equipment.

(3) "Public record" includes an official book, paper, or record, kept on a manual or automated basis, that is created, received, or used by a unit of:

(i) the State;

(ii) a political subdivision of the State; or

(iii) a multicounty agency.

(b) A person may not or may not attempt to:

(1) willfully make a false entry in a public record;

(2) except under proper authority, willfully alter, deface, destroy, remove, or conceal a public record; or

(3) except under proper authority, willfully and intentionally access a public record.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§8–606.1.

(a) A person may not:

(1) forge, falsify, or counterfeit the signature of a judge, court officer, or court employee of the State; or

(2) use a document with a forged, false, or counterfeit signature of a judge, court officer, or other court employee of the State knowing the signature to be forged, false, or counterfeit.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(c) A person who violates this section is subject to § 5–106(b) of the Courts Article.

§8–607.

(a) In this section, "public seal" means:

(1) the great seal of the State;

(2) the seal of any court of the State; or

(3) any other public seal of the State.

(b) A person may not:

(1) counterfeit and use a public seal;

(2) steal a public seal;

(3) unlawfully and falsely, or with evil intent, affix a public seal to a deed, warrant, or writing; or

(4) have and willfully conceal a counterfeit public seal, if the person knows that it was counterfeited.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§8–608.

(a) A person may not:

(1) counterfeit the stamp of the Comptroller;

(2) unlawfully use or steal the stamp of the Comptroller;

(3) unlawfully and falsely, or with evil intent, affix the stamp of the Comptroller to any written instrument; or

(4) have and willfully conceal a counterfeit stamp of the Comptroller, if the person knows that it was counterfeited.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§8–609.

(a) In this section, "order for money or goods" means any writing, ordering, or requesting for the payment of money or the delivery of goods.

(b) A person may not:

(1) with intent to defraud another, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting an order for money or goods;

(2) with intent to defraud another, issue, publish, or pass a counterfeit order for money or goods, if the person knows it was counterfeited; or

(3) knowingly and fraudulently obtain money or goods by means of a counterfeit order for money or goods.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years.

§8–610.

(a) In this section, "prescription" includes an order, paper, and recipe purported to have been made by an authorized provider, as defined in § 5-101 of this article, for a drug, medicine, or alcoholic beverage.

(b) A person may not:

(1) knowingly counterfeit, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting a prescription;

(2) knowingly issue, pass, or possess a counterfeit prescription; or

(3) obtain or attempt to obtain a prescription drug by fraud, deceit, or misrepresentation.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years.

(d) Payment or an offer or promise to pay for a drug, medicine, or alcoholic beverage obtained in violation of this section is not a defense to a violation of this section.

§8–611.

(a) (1) In this section the following words have the meanings indicated.

(2) "Counterfeit mark" means:

(i) an unauthorized copy of intellectual property; or

(ii) intellectual property affixed to goods knowingly sold, offered for sale, manufactured, or distributed, to identify services offered or rendered, without the authority of the owner of the intellectual property.

(3) "Intellectual property" means a trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify the goods or services of the person.

(4) "Retail value" means:

(i) a trademark counterfeiter's selling price for the goods or services that bear or are identified by the counterfeit mark; or

(ii) a trademark counterfeiter's selling price of the finished product, if the goods that bear a counterfeit mark are components of the finished product.

(5) "Trademark counterfeiter" means a person who commits the crime of trademark counterfeiting prohibited by this section.

(b) A person may not willfully manufacture, produce, display, advertise, distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services that the person knows are bearing or are identified by a counterfeit mark.

(c) If the aggregate retail value of the goods or services is $1,500 or more, a person who violates this section is guilty of the felony of trademark counterfeiting and on conviction:

(1) is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(d) If the aggregate retail value of the goods or services is less than $1,500, a person who violates this section is guilty of the misdemeanor of trademark counterfeiting and on conviction:

(1) is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(e) An action or prosecution for trademark counterfeiting in which the aggregate retail value of the goods or services is less than $1,500 shall be commenced within 2 years after the commission of the crime.

(f) Any goods bearing a counterfeit mark are subject to seizure by a law enforcement officer to preserve the goods for transfer to the owner of the intellectual property either:

(1) under an agreement with the person alleged to have committed the crime; or

(2) after a conviction under this section.

(g) State or federal registration of intellectual property is prima facie evidence that the intellectual property is a trademark or trade name.

§8–612.

(a) In this section, "token" means a ticket, coupon, coin, disc, slug, or any other thing that:

(1) is evidence of the right of an individual to enter, leave, ride on, or pass through or over any thing or place for which a fee is charged, including a building, ground, public conveyance, vessel, or bridge; and

(2) is intended or designed to be inserted into a box or machine for the collection of fees or given to a collector.

(b) (1) A person may not counterfeit or issue, or cause to be counterfeited or issued, or aid or assist in counterfeiting or issuing a token without the permission of the person who lawfully issues, sells, or gives away the token.

(2) A person may not issue or pass a token if the person knows that it was:

(i) counterfeited; or

(ii) issued without the permission of the person who lawfully issues, sells, or gives away the token.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year.

§8–613.

(a) (1) In this section the following words have the meanings indicated.

(2) "Service" includes the use of telephone or telegraph facilities, gas, electricity, or a musical instrument, phonograph, or other property.

(3) "Vending machine" includes a slot machine, pay telephone, or other receptacle designed to receive United States currency in connection with the sale or use of property or of a service.

(b) A person may not:

(1) operate, cause to be operated, or attempt to operate or cause to be operated a vending machine by a means not lawfully authorized by the owner, lessee, or licensee of the vending machine, including by means of a slug or by counterfeit, mutilated, sweated, or foreign currency;

(2) take, obtain, or receive from or in connection with a vending machine any property or service, without depositing into the vending machine United States currency in the amount required by the owner, lessee, or licensee of the vending machine; or

(3) manufacture for sale, sell, or give away a slug or device that is intended to be deposited in a vending machine if the person:

(i) intends to defraud the owner, lessee, licensee, or other person entitled to the contents of the vending machine; or

(ii) knows that the slug or device is intended for unlawful use.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding $500 or both.

§8–701.

(a) A person may not willfully or corruptly embezzle, steal, destroy, withdraw, impair, or alter a will, codicil, deed, land patent or assignment of a land patent, or a writ of administration, return, record, or part of any of those documents if as a result of that act the estate or right of any person may be defeated, injured, or altered.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 3 years and not exceeding 7 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§8–702.

(a) Unless the maker of a will gives instruction to the person keeping the will for safe custody, a person who receives a will for safe custody may not:

(1) destroy the will; or

(2) after the person learns of the death of the maker, willfully hide the will for a period of 6 months.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 18 months and not exceeding 15 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§8–801.

(a) (1) In this section the following words have the meanings indicated.

(2) "Deception" has the meaning stated in § 7–101 of this article.

(3) "Deprive" has the meaning stated in § 7–101 of this article.

(4) "Obtain" has the meaning stated in § 7–101 of this article.

(5) "Property" has the meaning stated in § 7–101 of this article.

(6) (i) "Undue influence" means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) "Undue influence" does not include the normal influence that one member of a family has over another member of the family.

(7) "Value" has the meaning stated in § 7–103 of this article.

(8) "Vulnerable adult" has the meaning stated in § 3–604 of this article.

(b) (1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult's property.

(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.

(c) (1) (i) A person convicted of a violation of this section when the value of the property is at least $1,500 but less than $25,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(ii) A person convicted of a violation of this section when the value of the property is at least $25,000 but less than $100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 10 years or a fine not exceeding $15,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(iii) A person convicted of a violation of this section when the value of the property is $100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 20 years or a fine not exceeding $25,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(2) A person convicted of a violation of this section when the value of the property is less than $1,500 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both; and

(ii) shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

(e) (1) If a defendant fails to restore fully the property taken or its value as ordered under subsection (c) of this section, the defendant is disqualified, to the extent of the defendant's failure to restore the property or its value, from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the victim of the offense, whether by operation of law or pursuant to a legal document executed or entered into by the victim before the defendant shall have been convicted under this section.

(2) The defendant has the burden of proof with respect to establishing under paragraph (1) of this subsection that the defendant has fully restored the property taken or its value.

(f) This section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim's family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim's property.

§8–901.

(a) A person may not fail to furnish to the purchaser of purebred livestock a paper or certificate showing that the livestock is purebred stock within 90 days after the sale and delivery of the livestock if:

(1) the paper or certificate is a condition of sale; and

(2) payment has been made for the livestock.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not less than $5 and not exceeding $50 for each violation.

§8–902.

(a) (1) In this section the following words have the meanings indicated.

(2) "Drug" means a drug, medicine, or a medicinal or chemical preparation for internal human consumption.

(3) "Prepare" means to make, mix, manufacture, or compound.

(b) A person who is engaged in the business of preparing or dispensing a drug for internal human consumption may not prepare, dispense, sell, or deliver the drug to a person directly or through an agent or employee if:

(1) ethyl alcohol is usually used to prepare the drug; and

(2) the preparer, or the preparer's agent or employee, in any manner uses or substitutes methyl alcohol for ethyl alcohol, or puts methyl alcohol into the drug.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 3 months and not exceeding 1 year or a fine of not less than $100 and not exceeding $500 or both.

§8–903.

(a) (1) A person may not intentionally issue, sell, or give to an unauthorized person a ticket or instrument for the transfer from a conveyance on one passenger line or route to a conveyance on another line or route of the same or a different carrier.

(2) Unless authorized to do so, a person may not intentionally receive a ticket or instrument for the transfer from a conveyance on one passenger line or route to a conveyance on another line or route of the same or a different carrier.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for the first violation, a fine not exceeding $100; and

(2) for each subsequent violation, imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§8–904.

(a) A person knowingly may not enter or race a horse in a running or harness race under a name or designation other than that registered with the Jockey Club or the United States Trotting Association.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§8–905.

(a) A person may not knowingly present for payoff, or give to another to present for payoff, a counterfeit or altered pari-mutuel betting ticket.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§9–101.

(a) A person may not willfully and falsely make an oath or affirmation as to a material fact:

(1) if the false swearing is perjury at common law;

(2) in an affidavit required by any state, federal, or local law;

(3) in an affidavit made to induce a court or officer to pass an account or claim;

(4) in an affidavit required by any state, federal, or local government or governmental official with legal authority to require the issuance of an affidavit; or

(5) in an affidavit or affirmation made under the Maryland Rules.

(b) A person who violates this section is guilty of the misdemeanor of perjury and on conviction is subject to imprisonment not exceeding 10 years.

(c) (1) If a person makes an oath or affirmation to two contradictory statements, each of which, if false, is prohibited by subsection (a) of this section, it is

sufficient to allege, and for conviction to prove, that one of the statements is willfully false without specifying which one.

(2) If the two contradictory statements made in violation of paragraph (1) of this subsection are made in different counties, the violation may be prosecuted in either county.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§9–102.

(a) A person may not procure another to commit perjury as prohibited by § 9-101 of this subtitle.

(b) A person who violates this section is guilty of the misdemeanor of subornation of perjury and on conviction is subject to imprisonment not exceeding 10 years.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§9–103.

(a) An indictment, information, or other charging document for perjury in violation of § 9-101(a) of this subtitle is sufficient if it substantially states:

"(name of defendant) on (date) in (county), on examination as a witness, duly sworn to testify in (proceeding) by (court or other person administering oath) with authority to administer the oath, willfully, unlawfully, and falsely swore (facts), the matters so sworn were material, and the testimony of (name of defendant) was willfully and corruptly false, in violation of (section violated) against the peace, government, and dignity of the State.".

(b) An indictment, information, or other charging document for perjury in violation of § 9-101(c) of this subtitle is sufficient if it substantially states:

"(name of defendant) in (county), on examination as a witness, duly sworn to testify in (proceeding) by (court or other person administering oath) with authority to administer the oath, on (date 1) willfully swore (facts 1) and on (date 1 or 2)(in county 1 or 2) willfully swore (facts 2), and that the matters so sworn are material, and at least one of the two contradictory statements was willfully false, in violation of (section violated) against the peace, government, and dignity of the State.".

§9–201.

(a) (1) In this section the following words have the meanings indicated.

(2) "Political subdivision" includes a:

(i) county;

(ii) municipal corporation;

(iii) bi–county or multicounty agency;

(iv) county board of education;

(v) public authority; or

(vi) special taxing district that is not a homeowner's association.

(3) (i) "Public employee" means an officer or employee of:

1. the State; or

2. a political subdivision of the State.

(ii) "Public employee" includes:

1. an executive officer of the State;

2. a judge of the State;

3. a judicial officer of the State;

4. a member or officer of the General Assembly;

5. a member of the police force of Baltimore City or the Department of State Police; and

6. a member, officer, or executive officer of a political subdivision.

(b) A person may not bribe or attempt to bribe a public employee to influence the public employee in the performance of an official duty of the public employee.

(c) A public employee may not demand or receive a bribe, fee, reward, or testimonial to:

(1) influence the performance of the official duties of the public employee; or

(2) neglect or fail to perform the official duties of the public employee.

(d) A person who violates this section is guilty of the misdemeanor of bribery and on conviction:

(1) is subject to imprisonment for not less than 2 years and not exceeding 12 years or a fine not less than $1,000 and not exceeding $10,000 or both;

(2) may not vote; and

(3) may not hold an office of trust or profit in the State.

(e) A person who violates this section is subject to § 5–106(b) of the Courts Article.

(f) (1) A person who violates this section:

(i) is a competent witness; and

(ii) subject to paragraph (2) of this subsection, may be compelled to testify against any person who may have violated this section.

(2) A person compelled to testify for the State under paragraph (1) of this subsection is immune from prosecution for a crime about which the person was compelled to testify.

§9–202.

(a) A person may not bribe or attempt to bribe a juror for rendering a verdict.

(b) A juror may not accept a bribe for rendering a verdict.

(c) A person who violates this section is guilty of a misdemeanor and on conviction:

(1) is subject to imprisonment for not less than 18 months and not exceeding 6 years; and

(2) may not serve on a jury in the future.

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§9–203.

(a) (1) A person, including a candidate for office, may not give or directly or indirectly promise a gift or reward to secure a vote or a ballot at an election under the Constitution and laws of the State.

(2) A person may not keep or allow to be kept a house or other accommodation in the State on an election day where, before the close of the election, the person, at the person's expense, gratuitously provides alcoholic beverages to voters.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) imprisonment not exceeding 6 months or a fine not exceeding $500 or both; and

(2) any other penalties applicable under the Constitution.

§9–204.

(a) A person may not bribe or attempt to bribe another who is participating in or connected with an athletic contest held in the State.

(b) A person who violates this section is guilty of the misdemeanor of bribery and on conviction is subject to imprisonment for not less than 6 months and not exceeding 3 years or a fine not less than $100 and not exceeding $5,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

(d) (1) A person:

(i) may not refuse to testify concerning a conspiracy to violate this section; but

(ii) may be compelled to testify against any person who may have conspired to violate this section.

(2) A person compelled to testify under paragraph (1) of this subsection is a competent witness.

(3) A person compelled to testify for the State under this section is immune from prosecution for a crime about which the person was compelled to testify.

§9–205.

(a) A person participating in or connected with an athletic contest may not accept a bribe to alter the outcome of the athletic contest.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§9–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Official proceeding" includes a criminal trial, a hearing related to a criminal trial or adjudicatory hearing, a grand jury proceeding, and any other proceeding that is part of a criminal action or juvenile delinquency case.

(c) "Victim" means a person against whom a crime or delinquent act has been committed or attempted.

(d) "Witness" means a person who:

(1) has knowledge of the existence of facts relating to a crime or delinquent act;

(2) makes a declaration under oath that is received as evidence for any purpose;

(3) has reported a crime or delinquent act to a law enforcement officer, prosecutor, intake officer, correctional officer, or judicial officer; or

(4) has been served with a subpoena issued under the authority of a court of this State, any other state, or the United States.

§9–302.

(a) A person may not harm another, threaten to harm another, or damage or destroy property with the intent to:

(1) influence a victim or witness to testify falsely or withhold testimony; or

(2) induce a victim or witness:

(i) to avoid the service of a subpoena or summons to testify;

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned; or

(iii) not to report the existence of facts relating to a crime or delinquent act.

(b) A person may not solicit another person to harm another, threaten to harm another, or damage or destroy property with the intent to:

(1) influence a victim or witness to testify falsely or withhold testimony; or

(2) induce a victim or witness:

(i) to avoid the service of a subpoena or summons to testify;

(ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned; or

(iii) not to report the existence of facts relating to a crime or delinquent act.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(2) If the testimony, subpoena, official proceeding, or report involving the victim or witness relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

§9–303.

(a) A person may not intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

(i) giving testimony in an official proceeding; or

(ii) reporting a crime or delinquent act;

(2) a juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a court of the State or the United States; or

(3) an officer of the court of the State or the United States for any reason relating to the performance of the officer's official duties in a pending or completed case.

(b) A person may not solicit another person to intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against:

(1) a victim or witness for:

(i) giving testimony in an official proceeding; or

(ii) reporting a crime or delinquent act;

(2) a juror for any reason relating to the performance of the juror's official duties in a pending or completed case in a court of the State or the United States; or

(3) an officer of the court of the State or the United States for any reason relating to the performance of the officer's official duties in a pending or completed case.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(2) If the official proceeding or report described in subsection (a) of this section relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

§9–304.

(a) A finding of good cause under this section may be based on any relevant evidence including credible hearsay.

(b) (1) For good cause shown, a court with jurisdiction over a criminal matter or juvenile delinquency case may pass an order that is reasonably necessary to stop or prevent:

(i) the intimidation of a victim or witness; or

(ii) a violation of this subtitle.

(2) The order may:

(i) prohibit a person from violating this subtitle;

(ii) require an individual to maintain a certain physical distance from another person specified by the court;

(iii) prohibit a person from communicating with another individual specified by the court, except through an attorney or other individual specified by the court; and

(iv) impose other reasonable conditions to ensure the safety of a victim or witness.

(3) The court may hold a hearing to determine if an order should be issued under this subsection.

(c) (1) The court may use its contempt power to enforce an order issued under this section.

(2) The court may revoke the pretrial release of a defendant or child respondent to ensure the safety of a victim or witness or the integrity of the judicial process if the defendant or child respondent violates an order passed under this section.

(d) A District Court commissioner or an intake officer, as defined in § 3-8A-01 of the Courts Article, may impose for good cause shown a condition described in subsection (b)(2) of this section as a condition of the pretrial release of a defendant or child respondent.

§9–305.

(a) A person may not, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of a court of the State or of the United States in the performance of the person's official duties.

(b) A person may not solicit another person to, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of the court of the State or of the United States in the performance of the person's official duties.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

(2) If an act described in subsection (a) of this section is taken in connection with a proceeding involving a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

§9–306.

(a) A person may not, by threat, force, or corrupt means, obstruct, impede, or try to obstruct or impede the administration of justice in a court of the State.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

§9–307.

(a) A person may not destroy, alter, conceal, or remove physical evidence that the person believes may be used in a pending or future official proceeding with the intent to impair the verity or availability of the physical evidence in the official proceeding.

(b) A person may not fabricate physical evidence in order to impair the verity of the physical evidence with the intent to deceive and that the fabricated physical evidence be introduced in a pending or future official proceeding.

(c) A person may not introduce physical evidence in an official proceeding if the person knows that the evidence has been altered or fabricated with the intent to deceive in order to impair the verity of the physical evidence.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§9–401.

(a) In this subtitle the following words have the meanings indicated.

(b) "Concealment" means hiding, secreting, or keeping out of sight.

(c) "Escape" retains its judicially determined meaning.

(d) "Fugitive" means an individual for whom a felony arrest warrant has been issued and is outstanding.

(e) (1) "Harbor" includes offering a fugitive or escaped inmate:

(i) concealment;

(ii) lodging;

(iii) care after concealment; or

(iv) obstruction of an effort of an authority to arrest the fugitive or escaped inmate.

(2) "Harbor" does not include failing to reveal the whereabouts of a fugitive or an escaped inmate by a person who did not participate in the effort of the fugitive or escaped inmate to elude arrest.

(f) "Hardware secure facility" means a facility that is securely locked or fenced to prevent escape.

(g) (1) "Place of confinement" means:

(i) a correctional facility;

(ii) a facility of the Maryland Department of Health; or

(iii) any other facility in which a person is confined under color of law.

(2) "Place of confinement" does not include:

(i) a detention center for juveniles;

(ii) a facility for juveniles listed in § 9–226(b) of the Human Services Article;

(iii) a place identified in a juvenile community detention order; or

(iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services.

§9–402.

(a) This section does not apply if the warrant is for a traffic offense.

(b) A person may not harbor a fugitive to prevent the fugitive's discovery or arrest after:

(1) being notified, or otherwise knowing, that a felony warrant was issued for the arrest of the fugitive; and

(2) being notified that harboring the fugitive is a crime.

(c) A person may not knowingly harbor a fugitive who is avoiding:

(1) prosecution;

(2) custody; or

(3) confinement after conviction of a felony.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§9–403.

(a) A person may not willfully harbor an inmate, who was imprisoned for a felony and who escaped from the custody of the Division of Correction or other correctional unit to which the inmate has been committed, after:

(1) being notified, or otherwise knowing, that the inmate escaped; and

(2) being notified that harboring the inmate is a crime.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§9–404.

(a) A person may not knowingly escape from a place of confinement.

(b) A person may not:

(1) escape from:

(i) a detention center for juveniles;

(ii) a facility for juveniles listed in § 9–226(b) of the Human Services Article;

(iii) a place identified in a juvenile community detention order; or

(iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services; and

(2) in the course of the escape commit an assault.

(c) A person who violates this section is guilty of the felony of escape in the first degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $20,000 or both.

§9–405.

(a) (1) A person who has been lawfully arrested may not knowingly depart from custody without the authorization of a law enforcement or judicial officer.

(2) A person may not knowingly fail to obey a court order to report to a place of confinement.

(3) A person may not escape from:

(i) except as otherwise punishable under § 9–404(b) of this subtitle, a detention center for juveniles or a facility for juveniles listed in § 9–226(b) of the Human Services Article;

(ii) a place identified in a home detention order or agreement;

(iii) a place identified in a juvenile community detention order; or

(iv) a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services.

(b) (1) This subsection applies to a person who is:

(i) temporarily released from a place of confinement;

(ii) committed to a pretrial agency;

(iii) committed to home detention by:

1. the court; or

2. the Division of Correction under Title 3, Subtitle 4 of the Correctional Services Article;

(iv) committed to a home detention program administered by a county;

(v) committed to a private home detention monitoring agency as defined in § 20–101 of the Business Occupations and Professions Article; or

(vi) ordered by a court to serve a term of custodial confinement as defined in § 6–219 of the Criminal Procedure Article as a condition of a suspended sentence or probation before or after judgment.

(2) A person may not knowingly:

(i) violate any restriction on movement imposed under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement;

(ii) fail to return to a place of confinement under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement; or

(iii) remove, block, deactivate, or otherwise tamper with a monitoring device required to be worn or carried by the person to track the person's location, including an ankle or wrist bracelet, global position satellite offender tracking technology, or comparable equipment or system.

(c) A person who violates this section is guilty of the misdemeanor of escape in the second degree and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§9–406.

Voluntary intoxication is not a defense to a charge of escape under this subtitle.

§9–407.

A sentence imposed for a violation of § 9-404 or § 9-405 of this subtitle:

(1) shall be consecutive to any term of confinement being served or to be served at the time of the escape;

(2) may not be suspended; and

(3) may include the entry of a judgment for all reasonable expenses incurred in returning the person to the place of confinement if the person has received timely notice of and an opportunity to contest the accuracy of the expenses allegedly owed.

§9–408.

(a) In this section, "police officer" means an individual who is authorized to make an arrest under Title 2 of the Criminal Procedure Article.

(b) A person may not intentionally:

(1) resist a lawful arrest; or

(2) interfere with an individual who the person has reason to know is a police officer who is making or attempting to make a lawful arrest or detention of another person.

(c) A person who violates this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(d) The unit of prosecution for a violation of this section is based on the arrest or detention regardless of the number of police officers involved in the arrest or detention.

§9–410.

(a) In this part the following words have the meanings indicated.

(b) "Alcoholic beverage" means beer, wine, or distilled spirits.

(c) "Contraband" means any item, material, substance, or other thing that:

(1) is not authorized for inmate possession by the managing official; or

(2) is brought into the correctional facility in a manner prohibited by the managing official.

(d) "Controlled dangerous substance" has the meaning stated in § 5–101 of this article.

(e) "Managing official" means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a place of confinement.

(f) (1) "Place of confinement" means:

(i) a correctional facility;

(ii) a facility of the Maryland Department of Health;

(iii) a detention center for juveniles;

(iv) a facility for juveniles listed in § 9–226(b) of the Human Services Article;

(v) a place identified in a juvenile community detention order; or

(vi) any other facility in which a person is confined under color of law.

(2) "Place of confinement" does not include a place identified in a home detention order or agreement.

(g) (1) "Telecommunication device" means:

(i) a device that is able to transmit telephonic, electronic, digital, cellular, or radio communications; or

(ii) a part of a device that is able to transmit telephonic, electronic, digital, cellular, or radio communications, regardless of whether the part itself is able to transmit.

(2) "Telecommunication device" includes a cellular telephone, digital telephone, picture telephone, and modem equipped device.

(h) "Weapon" means a gun, knife, club, explosive, or other article that can be used to kill or inflict bodily injury.

§9–411.

This part does not apply to a drug or substance that is legally possessed by an individual under a written prescription issued by a person authorized by law and designated by the managing official to prescribe inmate medication.

§9–412.

(a) A person may not:

(1) deliver any contraband to a person detained or confined in a place of confinement;

(2) possess any contraband with intent to deliver it to a person detained or confined in a place of confinement; or

(3) knowingly possess contraband in a place of confinement.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§9–413.

(a) (1) A person may not deliver contraband to a person detained or confined in a place of confinement with the intent to effect an escape.

(2) A person may not possess contraband with the intent to deliver it to a person detained or confined in a place of confinement to effect an escape.

(3) A person may not deposit or conceal any contraband in or about a place of confinement or on any land appurtenant to the place of confinement to effect an escape.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive contraband to effect an escape.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

§9–414.

(a) (1) A person may not deliver a weapon to a person detained or confined in a place of confinement.

(2) A person may not possess a weapon with the intent to deliver it to a person detained or confined in a place of confinement.

(3) A person may not deposit or conceal a weapon in or about a place of confinement or on any land appurtenant to the place of confinement to effect an escape.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a weapon.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $5,000 or both.

§9–415.

(a) This section does not apply to an alcoholic beverage delivered or possessed in a manner authorized by the managing official.

(b) A person may not:

(1) deliver an alcoholic beverage to a person detained or confined in a place of confinement; or

(2) possess an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement.

(c) A person detained or confined in a place of confinement may not knowingly possess or receive an alcoholic beverage.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§9–416.

(a) A person may not:

(1) deliver a controlled dangerous substance to a person detained or confined in a place of confinement; or

(2) possess a controlled dangerous substance with the intent to deliver it to a person detained or confined in a place of confinement.

(b) A person detained or confined in a place of confinement may not knowingly possess or receive a controlled dangerous substance.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§9–417.

(a) This section does not apply to a work release or prerelease program in Montgomery County established under § 11–717 of the Correctional Services Article.

(b) (1) A person may not deliver or attempt to deliver a telecommunication device, telecommunication device charger, or subscriber identification module (SIM) card to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device, telecommunication device charger, or SIM card with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device, telecommunication device charger, or SIM card in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device, telecommunication device charger, or SIM card.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $3,000 or both.

(d) A sentence imposed for a violation of subsection (b)(4) of this section shall be consecutive to any sentence that the person was serving at the time of the crime or that had been imposed but was not yet being served at the time of sentencing.

§9–418.

A sentence imposed under this part may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the crime under this part.

§9–501.

(a) A person may not make, or cause to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning

Police with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§9–502.

(a) A person who is arrested by a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning Police may not knowingly, and with intent to deceive, make a false statement to a law enforcement officer concerning the person's identity, address, or date of birth.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§9–503.

(a) A person may not make, or cause to be made, a statement or report that the person knows to be false as a whole or in material part to an official or unit of the State or of a county, municipal corporation, or other political subdivision of the State that a crime has been committed or that a condition imminently dangerous to public safety or health exists, with the intent that the official or unit investigate, consider, or take action in connection with that statement or report.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§9–504.

(a) This section does not apply to a statement made or rumor circulated by an officer, employee, or agent of a bona fide civilian defense organization or unit, if made in the regular course of the person's duties.

(b) A person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material, as those terms are defined in § 4-501 of this article.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(d) A crime under this section committed using a telephone or other electronic means may be prosecuted in the county in which:

(1) the communication originated;

(2) the communication was received; or

(3) the destructive device or toxic material was stated or was rumored to be located.

(e) (1) In addition to the penalty provided in subsection (c) of this section, a court may order a person convicted or found to have committed a delinquent act under this section to pay restitution to:

(i) the State, county, municipal corporation, bicounty unit, multicounty unit, county board of education, public authority, or special taxing district for actual costs reasonably incurred in responding to a location and searching for a destructive device as a result of a violation of this section; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property as a result of a violation of this section.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3) (i) If the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(f) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

(1) for a first violation, 6 months; and

(2) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

§9–505.

(a) A person may not manufacture, possess, transport, or place:

(1) a device or container that is labeled as containing or is intended to represent a toxic material, as defined in § 4-501 of this article, with the intent to terrorize, frighten, intimidate, threaten, or harass; or

(2) a device that is constructed to represent a destructive device, as defined in § 4-501 of this article, with the intent to terrorize, frighten, intimidate, threaten, or harass.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(c) (1) In addition to the penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:

(i) the State, county, municipal corporation, bicounty unit, multicounty unit, county board of education, public authority, or special taxing district for actual costs reasonably incurred as a result of a violation of this section; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property as a result of a violation of this section.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3) (i) If the person convicted or found to have committed a delinquent act in violation of this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(d) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

(1) for a first violation, 6 months; and

(2) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

§9–506.

(a) A person may not knowingly and willfully falsify or conceal a material fact in connection with an application for funds from the Maryland Higher Education Commission.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

(c) The Maryland Higher Education Commission shall notify each applicant for funds of the conduct that constitutes a violation of this section before a State scholarship award or grant is awarded.

§9–507.

The common-law crime of criminal defamation is repealed.

§9–508.

(a) In this section, "financing statement" has the meaning stated in § 9–102 of the Commercial Law Article.

(b) A person may not file a financing statement or an amendment to a financing statement that the person knows contains false information.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

(2) Each act of filing a financing statement or an amendment to a financing statement is a separate violation.

§9–601.

(a) In this section, "emergency" means a circumstance in which:

(1) an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of death or serious bodily harm; or

(2) property is in imminent danger of damage or destruction.

(b) A person may not:

(1) knowingly, intentionally, or recklessly interrupt, disrupt, impede, or otherwise interfere with the transmission of a two-way radio communication made:

(i) to inform or inquire about an emergency; and

(ii) on a frequency commonly used or monitored by an emergency services organization; or

(2) transmit false information about an emergency on a two-way radio frequency commonly used or monitored by an emergency services organization.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(d) (1) A two-way radio and related equipment used in violation of this section is subject to seizure.

(2) On conviction of a violation of this section, any property seized under paragraph (1) of this subsection shall be forfeited to the State and no property right shall exist in the property.

(3) Any property that is forfeited under paragraph (2) of this subsection shall be turned over to the Secretary of General Services, who may:

(i) order that the property be retained for official use of State units; or

(ii) otherwise dispose of the property as the Secretary considers appropriate.

§9–602.

(a) (1) Except as provided in paragraph (2) of this subsection, a State official or employee may not directly or indirectly monitor or record in any manner a telephone conversation made to or from a State unit.

(2) If prior approval is granted by the Attorney General, a State official or employee may monitor or record a telephone conversation:

(i) on telephone lines used exclusively for incoming police, fire, and rescue calls; or

(ii) with recorder-connector equipment that automatically produces a distinctive recorder tone repeated at approximately 15-second intervals.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(c) Conviction of a violation of this section is also grounds for immediate dismissal from State employment.

§9–603.

(a) Except as provided in subsection (b) of this section, a person may not use a device that dials by remote control a preprogrammed telephone number and transmits a prerecorded message communicating an existing emergency condition, including fire, illness, or crime, without written approval for the use of the device from the holder of the number dialed.

(b) This section does not apply to:

(1) a State or local law enforcement agency that is conducting an official investigation or communicating an emergency condition;

(2) a State or local emergency management agency that is communicating an emergency condition; or

(3) a person that is specifically designated by an agency described in item (1) or (2) of this subsection to participate in an official investigation or communicate an emergency condition.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50 for each violation.

§9–604.

(a) A person may not knowingly make or cause to be made a false:

(1) fire alarm; or

(2) call for an ambulance or rescue squad.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

§9–607.

(a) In this part the following words have the meanings indicated.

(b) "Alarm system" means a burglary alarm system, robbery alarm system, or automatic fire alarm system.

(c) (1) "Alarm system contractor" means a person who installs, maintains, monitors, alters, or services alarm systems.

(2) "Alarm system contractor" does not include a person who only manufactures or sells alarm systems.

(d) "Alarm user" means:

(1) a person in control of an alarm system within, on, or around any building, structure, facility, or site; or

(2) the owner or lessee of an alarm system.

(e) (1) "False alarm" means a request for immediate assistance from a law enforcement unit or fire department regardless of cause that is not in response to an actual emergency situation or threatened suggested criminal activity.

(2) "False alarm" includes:

(i) a negligently or accidentally activated signal;

(ii) a signal that is activated as the result of faulty, malfunctioning, or improperly installed or maintained equipment; and

(iii) a signal that is purposely activated in a nonemergency situation.

(3) "False alarm" does not include:

(i) a signal activated by unusually severe weather conditions or other causes beyond the control of the alarm user or alarm system contractor; or

(ii) a signal activated within 60 days after a new installation of an alarm system.

(f) "Law enforcement unit" means the Department of State Police, the police department of a county or municipal corporation, and a sheriff's department or other governmental law enforcement unit having employees authorized to make arrests.

(g) "Signal" means the activation of an alarm system that requests a response by a law enforcement unit or a fire department.

§9–608.

(a) A person may not intentionally activate a signal for a nonemergency situation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§9–609.

(a) This section does not apply:

(1) to alarm systems activated by weather conditions or causes beyond the control of the alarm user;

(2) in Frederick County if regulations are adopted under § 12–806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation;

(3) in Calvert County if the Board of County Commissioners of Calvert County adopts regulations under § 12–806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation; or

(4) in Washington County if the Board of County Commissioners of Washington County adopts regulations under § 12–806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation.

(b) An alarm system that is activated more than once within a 12–hour period when a premises with an alarm system is unoccupied and that is not in response to an actual emergency situation or threatened suggested criminal activity constitutes one false alarm if:

(1) access to the building is provided to the alarm system contractor; and

(2) an alarm system contractor or an employee of an alarm system contractor responds to the activated alarm system.

(c) (1) A law enforcement unit or fire department may issue a civil citation to an alarm user for the negligent or accidental activation of an alarm system as a result of faulty, malfunctioning, or improperly installed or maintained equipment or for a false alarm if the number of activations or false alarms to which the law enforcement unit or fire department responds exceeds:

(i) three responses within a 30–day period; or

(ii) eight responses within a 12–month period.

(2) A civil citation issued under this section shall assess a penalty of $30 for each negligent or accidental activation or false alarm.

§9–610.

(a) In this section, "defective alarm system" means an alarm system that activates:

(1) more than three false alarms within a 30-day period; or

(2) eight or more false alarms within a 12-month period.

(b) (1) A law enforcement unit or fire department that responds to false alarms from a defective alarm system shall provide written notice of the defective condition to the alarm user.

(2) The alarm user, within 30 days after receiving the notice, shall:

(i) 1. if qualified, inspect the alarm system; or

2. have the alarm system inspected by an alarm system contractor; and

(ii) within 15 days after the inspection, file with the law enforcement unit or fire department that issued the notice a written report that contains the:

1. result of the inspection;

2. probable cause of the false alarms; and

3. recommendations or action taken to eliminate the false alarms.

(c) An alarm user may not use a defective alarm system after receiving a written notice under subsection (b) of this section.

(d) A person who violates subsection (c) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§9–611.

(a) In this section, "audible alarm system" means an alarm system that, when activated, emits an audible noise from an annunciator.

(b) An audible alarm system shall be equipped to:

(1) automatically silence the annunciator within 30 minutes after activation; and

(2) allow an accidental or negligent activation to be halted or reset.

(c) An alarm system contractor may not sell, lease, rent, or offer to sell, lease, or rent an audible alarm system that does not comply with the requirements of this section.

(d) A person who violates this section is subject to a civil penalty of $100 for each violation.

§9–701.

(a) In this subtitle the following words have the meanings indicated.

(b) "Defense-related activity" means:

(1) the preparation of the United States or a state for defense or war; or

(2) the prosecution of war by the United States or a country with which the United States maintains friendly relations.

(c) "Identification badge" means a badge that a person wears to show the person's identity or right to be in or on any premises described in § 9-704 of this subtitle.

(d) "Identification card" means a card or pass issued for the purpose of establishing the identity and the right of the person to be in or on any premises described in § 9-704 of this subtitle.

§9–702.

(a) A person may not destroy, impair, damage, or interfere or tamper with real or personal property with intent to hinder, delay, or interfere with a defense-related activity.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§9–703.

(a) A person may not intentionally:

(1) make or cause to be made or omit to note on inspection a defect in a product to be used in connection with a defense-related activity; and

(2) act, or fail to act, with intent to hinder, delay, or interfere with a defense-related activity.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

§9–704.

(a) This section applies to a person possessing an identification badge or identification card required for employment or visitation that is issued by:

(1) a unit of the State or a county, municipal corporation, special taxing district, or public corporation of the State; or

(2) a person that owns or operates in the State:

(i) a factory or warehouse or a manufacturing, printing, publishing, mechanical, or mercantile establishment or a plant of any kind;

(ii) a mine or quarry;

(iii) a railway; or

(iv) a water, sewage, gas, electric, transmission, heating, refrigerating, telephone, or other publicly owned or public service company.

(b) A person shall surrender each identification badge or identification card to its issuer when the person's employment or authorized visit ends.

(c) A person may not knowingly possess an identification badge or identification card after the person's employment or authorized visit ends.

(d) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§9–705.

A person who finds or gains possession of an identification badge or identification card required under § 9-704 of this subtitle shall surrender immediately the identification badge or identification card to the nearest police station.

§9–706.

(a) To enter a place or establishment in which a person is required to have an identification badge or identification card under § 9-704 of this subtitle, a person may not willfully:

(1) make unauthorized use of an identification badge or identification card; or

(2) assist another in the unauthorized use of an identification badge or identification card.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§9–706.1.

(a) In this section, "security officer" means a proprietary or contractual security officer of a license holder of a nuclear power plant facility in the State.

(b) Subject to subsection (c) of this section, if a nuclear power plant facility is placed under a heightened level of security condition by a federal agency pursuant to federal law, the license holder of a nuclear power plant facility in the State may authorize a security officer, without a warrant, to stop and detain any person who the owner or security officer has reasonable grounds to believe has:

(1) entered or trespassed on posted property of the nuclear power plant facility in violation of § 6-402 of this article; or

(2) violated any local, State, or federal law, regulation, or order in an area controlled by the license holder of the nuclear power plant facility.

(c) A security officer who detains a person under subsection (b) of this section shall, as soon as practicable:

(1) notify an appropriate law enforcement agency about the alleged crime committed by the person; and

(2) release the person to the detention or custody of a law enforcement officer.

(d) If notice to a law enforcement agency is provided as required under subsection (c) of this section and the law enforcement agency determines not to investigate the alleged crime or declines to take the detained person into detention or custody, the security officer shall release the person as soon as practicable.

§9–707.

This subtitle does not impair, curtail, or destroy the rights of employees and their representatives to:

(1) self-organization;

(2) form, join, or assist labor organizations;

(3) bargain collectively through representatives of their own choosing; and

(4) strike, picket, or engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

§9–708.

If conduct prohibited by this subtitle is also unlawful under another law, a person may be convicted for the violation of this subtitle and the other law.

§9–801.

(a) In this subtitle the following words have the meanings indicated.

(b) "Coerce" means to compel or attempt to compel another by threat of harm or other adverse consequences.

(c) "Criminal gang" means a group or association of three or more persons whose members:

(1) individually or collectively engage in a pattern of criminal gang activity;

(2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and

(3) have in common an overt or covert organizational or command structure.

(d) "Enterprise" includes:

(1) a sole proprietorship, partnership, corporation, business trust, or other legal entity; or

(2) any group of individuals associated in fact although not a legal entity.

(e) "Pattern of criminal gang activity" means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult, provided the crimes or acts were not part of the same incident.

(f) "Solicit" has the meaning stated in § 11–301 of this article.

(g) "Underlying crime" means:

(1) a crime of violence as defined under § 14–101 of this article;

(2) a violation of § 3–203 (second degree assault), § 3–1102 (sex trafficking), § 3–1103 (forced marriage), § 4–203 (wearing, carrying, or transporting a handgun), § 9–302 (inducing false testimony or avoidance of subpoena), § 9–303 (retaliation for testimony), § 9–305 (intimidating or corrupting juror), § 11–304 (receiving earnings of prostitute), or § 11–307 (house of prostitution) of this article;

(3) a felony violation of § 3–701 (extortion), § 4–503 (manufacture or possession of destructive device), § 5–602 (distribution of CDS), § 5–603 (manufacturing CDS or equipment), § 5–604(b) (creating or possessing a counterfeit substance), § 5–606 (false prescription), § 6–103 (second degree arson), § 6–202 (first degree burglary), § 6–203 (second degree burglary), § 6–204 (third degree burglary), § 7–104 (theft), or § 7–105 (unauthorized use of a motor vehicle) of this article; or

(4) a felony violation of § 5–133 of the Public Safety Article.

§9–802.

(a) A person may not threaten an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

§9–803.

(a) A person may not threaten an individual, or a friend or family member of an individual, with or use physical violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang:

(1) in a school vehicle, as defined under § 11–154 of the Transportation Article; or

(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding $20,000 or both.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 9–802 of this subtitle.

§9–804.

(a) A person may not:

(1) participate in a criminal gang knowing that the members of the gang engage in a pattern of criminal gang activity; and

(2) knowingly and willfully direct or participate in an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal gang.

(b) A criminal gang or an individual belonging to a criminal gang may not:

(1) receive proceeds known to have been derived directly or indirectly from an underlying crime; and

(2) use or invest, directly or indirectly, an aggregate of $10,000 or more of the proceeds from an underlying crime in:

(i) the acquisition of a title to, right to, interest in, or equity in real property; or

(ii) the establishment or operation of any enterprise.

(c) A criminal gang may not acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property through an underlying crime.

(d) A person may not conspire to violate subsection (a), (b), or (c) of this section.

(e) A person may not violate subsection (a) of this section that results in the death of a victim.

(f) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding $1,000,000 or both.

(ii) A person who violates subsection (e) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $5,000,000 or both.

(2) (i) A sentence imposed under paragraph (1)(i) of this subsection for a first offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this section.

(ii) A sentence imposed under paragraph (1)(i) of this subsection for a second or subsequent offense, or paragraph (1)(ii) of this subsection shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

(iii) A consecutive sentence for a second or subsequent offense shall not be mandatory unless the State notifies the person in writing of the State's intention to proceed against the person as a second or subsequent offender at least 30 days before trial.

(3) In addition to the other penalties provided in this subsection, on conviction the court may:

(i) order a person or criminal gang to be divested of any interest in an enterprise or real property;

(ii) order the dissolution or reorganization of an enterprise; and

(iii) order the suspension or revocation of any license, permit, or prior approval granted to the enterprise or person by a unit of the State or a political subdivision of the State.

(g) (1) This subsection applies to a violation of § 5–602, § 5–603, § 5–604(b), § 5–606, § 5–612, § 5–613, § 5–614, or § 5–617 of this article.

(2) Assets divested under this section and derived from the commission of, attempted commission of, conspiracy to commit, or solicitation of a crime described in paragraph (1) of this subsection, either in whole or in part, shall be deposited in the Addiction Treatment Divestiture Fund established under § 8–6D–01 of the Health – General Article.

(h) A person may be charged with a violation of this section only by indictment, criminal information, or petition alleging a delinquent act.

(i) (1) The Attorney General, at the request of the Governor or the State's Attorney for a county in which a violation or an act establishing a violation of this section occurs, may:

(i) aid in the investigation of the violation or act; and

(ii) prosecute the violation or act.

(2) In exercising authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of the grand jury in the county, to prosecute the violation.

(3) Notwithstanding any other provision of law, in circumstances in which violations of this section are alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined.

(j) Notwithstanding any other provision of law and provided at least one criminal gang activity of a criminal gang allegedly occurred in the county in which a grand jury is sitting, the grand jury may issue subpoenas, summon witnesses, and otherwise conduct an investigation of the alleged criminal gang's activities and offenses in other counties.

§9–805.

(a) A person may not organize, supervise, promote, sponsor, finance, or manage a criminal gang.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $1,000,000 or both.

(c) A sentence imposed under this section shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

§9–806.

Nothing in this subtitle may be construed inconsistently with the provisions relating to jurisdiction over juvenile causes contained in Title 3, Subtitle 8A of the Courts Article.

§9–807.

For purposes of venue, any violation of this subtitle is considered to have been committed in any county:

(1) in which any act was performed in furtherance of a violation of this subtitle;

(2) that is the principal place of the operations of the criminal gang in the State;

(3) in which a defendant had control or possession of proceeds of a violation of this subtitle or of records or other material or objects that were used in furtherance of a violation; or

(4) in which a defendant resides.

§10–101.

(a) In this part the following words have the meanings indicated.

(b) "Distribute" means to:

(1) give, sell, deliver, dispense, issue, or offer to give, sell, deliver, dispense, or issue; or

(2) cause or hire a person to give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense, or issue.

(c) (1) "Tobacco paraphernalia" means any object used, intended for use, or designed for use in inhaling or otherwise introducing tobacco products into the human body.

(2) "Tobacco paraphernalia" includes:

(i) a cigarette rolling paper;

(ii) a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, or punctured metal bowl;

(iii) a water pipe;

(iv) a carburetion tube or device;

(v) a smoking or carburetion mask;

(vi) an object known as a roach clip used to hold burning material, such as a cigarette that has become too small or too short to be held in the hand;

(vii) a chamber pipe;

(viii) a carburetor pipe;

(ix) an electric pipe;

(x) an air–driven pipe;

(xi) a chillum;

(xii) a bong; and

(xiii) an ice pipe or chiller.

(d) (1) "Tobacco product" means a product that is:

(i) intended for human inhalation, absorption, ingestion, smoking, heating, chewing, dissolving, or any other manner of consumption that is made of, derived from, or contains:

1. tobacco; or

2. nicotine; or

(ii) an accessory or a component used in any manner of consumption of a product described in item (i) of this paragraph.

(2) "Tobacco product" includes:

(i) cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and snus;

(ii) electronic smoking devices; and

(iii) filters, rolling papers, pipes, and liquids used in electronic smoking devices regardless of nicotine content.

(3) "Tobacco product" does not include a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act.

(e) "Venereal disease" includes gonorrhea, syphilis, chancroid, and any diseased condition of the human genitalia caused by, related to, or resulting from a venereal disease.

§10–102.

(a) This section does not apply to:

(1) a government unit;

(2) a health or medical agency approved by the Secretary of Health;

(3) a medical, pharmaceutical, or other professional publication not publicly distributed; or

(4) a news item or article published in a newspaper, magazine, or book.

(b) A person may not advertise, allow to be advertised, or call to public attention:

(1) a drug, medicine, preparation, or substance for the treatment, alleviation, or cure of venereal disease; or

(2) a person from whom or a place where a drug, medicine, preparation, or substance for the treatment, alleviation, or cure of venereal disease may be obtained.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 for each violation.

§10–103.

(a) This section does not apply to:

(1) a physician licensed to practice medicine;

(2) a government unit; or

(3) the otherwise lawful conduct of business between commercial, medical, pharmaceutical, scientific, or government units.

(b) Except in accordance with a prescription written by a physician licensed to practice medicine, a person may not sell, dispense, or give to another a drug, medicine, preparation, substance, or a preparation containing a sulfonamide drug to alleviate, treat, or cure venereal disease.

(c) (1) A prescription under subsection (b) of this section shall include:

(i) the physician's signature and address; and

(ii) the date the prescription was written.

(2) The person filling the prescription required under subsection (b) of this section:

(i) shall write on the prescription the date it was filled;

(ii) shall keep the prescription on file for at least 2 years after it was filled;

(iii) shall allow the prescription to be inspected by State and local health authorities; and

(iv) may not refill the prescription except on the order of the physician who wrote the prescription.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(1) $50 for the first violation; and

(2) $250 for each subsequent violation.

§10–104.

(a) A person may not sell or offer for sale a nonlatex condom by means of a vending machine or other automatic device.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 for each violation.

(2) Each vending machine or other automatic device in violation of this section is a separate violation.

§10–105.

(a) A person may not sell or offer for sale a contraceptive or a contraceptive device, whether or not advertised as a prophylactic, by means of a vending machine or other automatic device at a kindergarten, nursery school, or elementary or secondary school.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 for each violation.

(2) Each vending machine or other automatic device in a school is a separate violation.

§10–106.

(a) A person may not sell or offer for sale a clove cigarette.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of $500.

§10–107.

(a) This section does not apply to the distribution of a coupon that is redeemable for a tobacco product, if the coupon is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.

(b) (1) This subsection does not apply to the distribution of a tobacco product or tobacco paraphernalia to:

(i) an individual under the age of 21 years who is acting solely as the agent of the individual's employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes; or

(ii) a purchaser or recipient who:

1. is at least 18 years of age;

2. is an active duty member of the military; and

3. presents a valid military identification.

(2) A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16 of the Business Regulation Article, may not distribute to an individual under the age of 21 years:

(i) a tobacco product;

(ii) tobacco paraphernalia; or

(iii) a coupon redeemable for a tobacco product.

(c) A person not described in subsection (b)(2) of this section may not:

(1) purchase for or sell a tobacco product to an individual under the age of 21 years, unless the individual:

(i) is at least 18 years of age;

(ii) is an active duty member of the military; and

(iii) presents a valid military identification; or

(2) distribute tobacco paraphernalia to an individual under the age of 21 years, unless the individual:

(i) is at least 18 years of age;

(ii) is an active duty member of the military; and

(iii) presents a valid military identification.

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by a government unit that positively identified the purchaser or recipient as at least 21 years of age or as at least 18 years of age and an active duty member of the military.

(e) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) $300 for a first violation;

(ii) $1,000 for a second violation occurring within 2 years after the first violation; and

(iii) $3,000 for each subsequent violation occurring within 2 years after the preceding violation.

(2) Issuance of a civil citation for the sale of a tobacco product to an individual under the age of 21 years precludes a prosecution for a violation of § 24–307 of the Health – General Article arising out of the same violation.

(f) For purposes of this section, each separate incident at a different time and occasion is a violation.

§10–109.

(a) A person may not place or allow to be placed outside of a building or dwelling an abandoned or discarded refrigerator, icebox, or freezer cabinet that:

(1) is in a place accessible to children;

(2) is uncrated; and

(3) has a door or a lock that cannot be released for opening from the inside.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§10–110.

(a) (1) In this section the following words have the meanings indicated.

(2) "Bi–county unit" means:

(i) the Maryland–National Capital Park and Planning Commission; or

(ii) the Washington Suburban Sanitary Commission.

(3) (i) "Bulky item" means any discarded furniture, home or industrial appliance, or abandoned vehicle or part of an abandoned vehicle not designated for disposal purposes under the laws of Prince George's County.

(ii) "Bulky item" does not include discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including:

1. beverage containers and closures;

2. packaging;

3. wrappers;

4. wastepaper;

5. newspapers;

6. magazines; and

7. waste matter that escapes or is allowed to escape from a container, receptacle, or package.

(4) "Litter" means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

(5) "Public or private property" means:

(i) the right–of–way of a road or highway;

(ii) a body of water or watercourse or the shores or beaches of a body of water or watercourse;

(iii) a park;

(iv) a parking facility;

(v) a playground;

(vi) public service company property or transmission line right–of–way;

(vii) a building;

(viii) a refuge or conservation or recreation area;

(ix) residential or farm property; or

(x) timberlands or a forest.

(b) The General Assembly intends to:

(1) prohibit uniformly throughout the State the improper disposal of litter on public or private property; and

(2) curb the desecration of the beauty of the State and harm to the health, welfare, and safety of its citizens caused by the improper disposal of litter.

(c) A person may not:

(1) dispose of litter on a highway or perform an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways; or

(2) dispose or cause or allow the disposal of litter on public or private property unless:

(i) the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of litter and the person is authorized by the proper public authority to use the property; or

(ii) the litter is placed into a litter receptacle or container installed on the property.

(d) If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which litter is disposed in violation of subsection (c) of this section, and it cannot be determined which occupant is the violator:

(1) if present, the owner of the conveyance is presumed to be responsible for the violation; or

(2) if the owner of the conveyance is not present, the operator is presumed to be responsible for the violation.

(e) Notwithstanding any other law, if the facts of a case in which a person is charged with violating this section are sufficient to prove that the person is responsible for the violation, the owner of the property on which the violation allegedly occurred need not be present at a court proceeding regarding the case.

(f) (1) A person who violates this section is subject to the penalties provided in this subsection.

(2) (i) A person who disposes of litter in violation of this section in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,500 or both.

(ii) A person who disposes of litter in violation of this section in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $12,500 or both.

(iii) A person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $30,000 or both.

(3) In addition to the penalties provided under paragraph (2) of this subsection, a court may order the violator to:

(i) remove or render harmless the litter disposed of in violation of this section;

(ii) repair or restore any property damaged by, or pay damages for, the disposal of the litter in violation of this section;

(iii) perform public service relating to the removal of litter disposed of in violation of this section or to the restoration of an area polluted by litter disposed of in violation of this section; or

(iv) reimburse the State, county, municipal corporation, or bi–county unit for its costs incurred in removing the litter disposed of in violation of this section.

(4) (i) If a person is convicted of a violation under this section and the person used a motor vehicle in the commission of the violation, the court shall notify the Motor Vehicle Administration of the violation.

(ii) The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this paragraph.

(g) A law enforcement unit, officer, or official of the State or a political subdivision of the State, or an enforcement unit, officer, or official of a commission of the State, or a political subdivision of the State, shall enforce compliance with this section.

(h) A unit that supervises State property shall:

(1) establish and maintain receptacles for the disposal of litter at appropriate locations where the public frequents the property;

(2) post signs directing persons to the receptacles and serving notice of the provisions of this section; and

(3) otherwise publicize the availability of litter receptacles and the requirements of this section.

(i) (1) Fines collected for violations of this section shall be disbursed:

(i) to the county or municipal corporation where the violation occurred; or

(ii) if the bi–county unit is the enforcement unit and the violations occurred on property over which the bi–county unit exercises jurisdiction, to the bi–county unit.

(2) Fines collected shall be used to pay for litter receptacles and posting signs as required by subsection (h) of this section and for other purposes relating to the removal or control of litter.

(j) (1) The legislative body of a municipal corporation may:

(i) prohibit littering; and

(ii) classify littering as a municipal infraction under Title 6 of the Local Government Article.

(2) The governing bodies of Prince George's County, Calvert County, and Montgomery County may each adopt an ordinance to prohibit littering under this section and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through (3) of this section.

(3) (i) The governing body of Prince George's County may adopt an ordinance to prohibit the disposal of a bulky item:

1. on a highway; or

2. on public or private property unless the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of bulky items and the person is authorized by the proper public authority to use the property.

(ii) For violations of the ordinance adopted under this paragraph, Prince George's County may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subparagraph (iii) of this paragraph.

(iii) A person who disposes of a bulky item in violation of this paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $5,000 or both.

(k) This section may be cited as the "Illegal Dumping and Litter Control Law".

§10–111.

(a) (1) In this section the following words have the meanings indicated.

(2) "Bodily fluid" means blood, urine, saliva, or other bodily fluid.

(3) (i) "Bodily fluid adulterant" means any substance or chemical that is intended, for the purpose of altering the results of a drug or alcohol screening test, to be:

1. consumed by a person;

2. introduced into the body of a person; or

3. added to or substituted for a sample of bodily fluid.

(ii) "Bodily fluid adulterant" includes synthetic urine.

(4) "Controlled dangerous substance" has the meaning stated in § 5–101 of this article.

(5) "Drug" has the meaning stated in § 5–101 of this article.

(6) "Drug or alcohol screening test" means an analysis of a sample of bodily fluid collected from a person for the purpose of detecting the presence of alcohol, drugs, or a controlled dangerous substance in the bodily fluid of the person.

(b) A person may not, with intent to defraud or alter the outcome of a drug or alcohol screening test:

(1) alter a bodily fluid sample;

(2) substitute a bodily fluid sample, in whole or in part, with:

(i) a bodily fluid sample of another person or animal; or

(ii) any other substance;

(3) possess or use a bodily fluid adulterant;

(4) sell, distribute, or offer to sell or distribute:

(i) any bodily fluid from a human or any animal; or

(ii) any bodily fluid adulterant; or

(5) transport into the State:

(i) any bodily fluid from a human or any animal; or

(ii) any bodily fluid adulterant.

(c) A person who violates this section is guilty of:

(1) for a first violation, a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§10–112.

(a) (1) In this section the following words have the meanings indicated.

(2) "Department" means the Baltimore City Department of Housing and Community Development, or another department designated by the Mayor of Baltimore City.

(3) "Dumping site" means a location in Baltimore City that is:

(i) owned by the city or the State; and

(ii) identified by the Department as property that has been repeatedly used for the disposal of litter in violation of State law or a local law or ordinance.

(4) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include:

1. a motor vehicle rental or leasing company; or

2. a holder of a special registration plate issued under Title 13, Subtitle 9, Part III of the Transportation Article.

(5) "Surveillance image" means an image recorded by a surveillance system:

(i) on:

1. a photograph;

2. a micrograph;

3. an electronic image;

4. videotape; or

5. any other medium;

(ii) showing the front or rear of a motor vehicle, and, on at least one image or portion of the tape, clearly identifying the registration plate number of the motor vehicle; and

(iii) showing an individual committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.

(6) "Surveillance system" means a collection of one or more cameras located at a dumping site that produces a surveillance image.

(b) This section applies to a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter that occurs at a dumping site monitored by a surveillance system.

(c) The Department may:

(1) place surveillance systems at dumping sites; and

(2) use surveillance images to enforce the provisions of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.

(d) (1) Unless the individual committing a violation received a citation from a police officer at the time of the violation, the owner of the vehicle used to commit the violation, or in accordance with subsection (g)(4) of this section, the individual committing the violation, is subject to a civil penalty if the violation and the motor vehicle used to commit the violation are recorded on a surveillance image by a surveillance system while the individual is committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.

(2) A civil penalty under this subsection may not exceed $1,000.

(3) For purposes of this section, the District Court, in consultation with the Department, shall prescribe:

(i) a uniform citation form consistent with subsection (e)(1) of this section and § 7–302 of the Courts Article; and

(ii) a civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(e) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, the Department shall mail to the owner liable under subsection (d) of this section a citation that shall include:

(i) the name and address of the registered owner of the vehicle;

(ii) the registration number of the motor vehicle involved in the violation;

(iii) the violation charged;

(iv) the location where the violation occurred;

(v) the date and time of the violation;

(vi) a copy of the surveillance image;

(vii) the amount of the civil penalty imposed and the date by which the civil penalty must be paid;

(viii) a signed statement by a duly authorized agent of the Department that, based on inspection of surveillance images, the motor vehicle was being used by an individual who was committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter;

(ix) a statement that surveillance images are evidence of a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter;

(x) information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. is an admission of liability;

2. may result in the refusal by the Motor Vehicle Administration to register the motor vehicle; and

3. may result in the suspension of the motor vehicle registration.

(2) The Department may mail a warning notice instead of a citation to the owner liable under subsection (d) of this section.

(3) Except as provided in subsection (g)(4) of this section, the Department may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (g)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) pay the civil penalty, in accordance with the instructions on the citation, directly to Baltimore City; or

(ii) elect to stand trial in the District Court for the alleged violation.

(f) (1) A certificate alleging that a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter occurred, sworn to or affirmed by a duly authorized agent of the Department, based on inspection of surveillance images produced by a surveillance system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section.

(2) Adjudication of liability shall be based on a preponderance of the evidence.

(g) (1) The District Court may consider in defense of a violation:

(i) subject to paragraph (2) of this subsection, that:

1. the motor vehicle was stolen before the violation occurred and was not under the control or possession of the owner at the time of the violation; or

2. the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) subject to paragraph (3) of this subsection, evidence that the person named in the citation was not the person in the surveillance image committing the violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter; and

(iii) any other issues and evidence that the District Court deems pertinent.

(2) In order to assert a defense under paragraph (1)(i) of this subsection, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) In order to satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the court of the identity of the person in the surveillance image who was actually committing the violation, including, at a minimum, the person's name and current address.

(4) (i) If the District Court finds that the person named in the citation did not commit the violation or receives evidence under paragraph (3) of this subsection identifying the person who committed the violation, the clerk of the court shall provide the Department with a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the Department may issue a citation as provided in subsection (e) of this section to the person that the evidence indicates committed the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after the receipt of the evidence from the District Court.

(h) If the person named in the citation does not pay the civil penalty and does not contest the violation, the Motor Vehicle Administration may:

(1) refuse to register the motor vehicle cited in the violation; or

(2) suspend the registration of the motor vehicle cited in the violation.

(i) A violation for which a civil penalty is imposed under this section:

(1) may not be recorded by the Motor Vehicle Administration on the driving record of the owner or the driver of the motor vehicle; and

(2) may be treated as a parking violation for purposes of § 26–305 of the Transportation Article.

(j) In consultation with the Department, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

§10–113.

An individual may not knowingly and willfully make a misrepresentation or false statement as to the age of that individual or another to any person licensed to sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage to an individual.

§10–114.

(a) Except as provided in subsection (b)(1) of this section, and subject to subsection (b)(2) of this section, an individual under the age of 21 years may not:

(1) possess or have under the individual's charge or control an alcoholic beverage unless the individual is a bona fide employee of the license holder as defined in § 1–101 of the Alcoholic Beverages Article and the alcoholic beverage is in the possession or under the charge or control of the individual in the course of the individual's employment and during regular working hours; or

(2) consume an alcoholic beverage.

(b) (1) The prohibitions set forth in subsection (a)(1) and (2) of this section do not apply if:

(i) 1. an adult furnishes the alcoholic beverage to the individual or allows the individual to possess or consume the alcoholic beverage;

2. the individual possessing or consuming the alcoholic beverage and the adult who furnished the alcoholic beverage to the individual or allowed the individual to possess or consume the alcoholic beverage are members of the same immediate family; and

3. the alcoholic beverage is furnished and consumed in a private residence of the adult or within the curtilage of the residence; or

(ii) the individual consumes the alcoholic beverage as a participant in a religious ceremony.

(2) An individual may not be stopped on suspicion of a violation of subsection (a)(2) of this section or charged with a violation of subsection (a)(2) of this section unless the individual is observed in possession of an alcoholic beverage.

§10–115.

An individual under the age of 21 years may not possess a card or document that falsely identifies the age of the individual under circumstances that reasonably indicate an intention to violate the provisions of this part.

§10–116.

An individual may not obtain, or attempt to obtain by purchase or otherwise, an alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by another who the individual obtaining or attempting to obtain the beverage knows is under the age of 21 years.

§10–117.

(a) Except as provided in subsection (c) of this section, a person may not furnish an alcoholic beverage to an individual if:

(1) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and

(2) the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years.

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to

possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c) (1) The prohibition set forth in subsection (a) of this section does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

(i) are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or

(ii) are participants in a religious ceremony.

(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage:

(i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or

(ii) are participants in a religious ceremony.

(d) A person may not violate subsection (a) or (b) of this section if the violation involves an individual under the age of 21 years who:

(1) the person knew or reasonably should have known would operate a motor vehicle after consuming the alcoholic beverage; and

(2) as a result of operating a motor vehicle while under the influence of alcohol or while impaired by alcohol, causes serious physical injury or death to the individual or another.

§10–118.

(a) Except for a person licensed as an alcoholic beverages licensee under the Alcoholic Beverages Article who possesses a keg in the course of that person's business, a person may not knowingly:

(1) possess a keg that has not been registered under or does not have a registration form affixed to it as required by § 5–303 of the Alcoholic Beverages Article; or

(2) remove, alter, or obliterate, or allow to be removed, altered, or obliterated, a registration form that is affixed to a keg.

(b) A person may not allow an individual under the age of 21 years to consume any of the contents of a keg purchased by that person.

§10–119.

(a) (1) A person shall be issued a citation under this section if the person violates:

(i) §§ 10–113 through 10–115 or § 10–118 of this part; or

(ii) § 6–321 or § 6–322 of the Alcoholic Beverages Article.

(2) A minor who violates § 10–116 or § 10–117(a) of this part shall be issued a citation under this section.

(b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part or § 6–321 or § 6–322 of the Alcoholic Beverages Article may be issued by:

(i) a police officer authorized to make arrests;

(ii) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural Resources Article; and

(iii) subject to paragraphs (2) and (3) of this subsection, in Anne Arundel County, Frederick County, Harford County, Kent County, Montgomery County, Prince George's County, and Talbot County, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under the Alcoholic Beverages Article.

(2) In Anne Arundel County, Frederick County, Harford County, Kent County, Montgomery County, Prince George's County, and Talbot County, the inspector shall successfully complete an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners.

(3) In Anne Arundel County, Harford County, Kent County, Montgomery County, Prince George's County, and Talbot County, the inspector may not carry a firearm in the performance of the inspector's duties.

(c) A person authorized under this section to issue a citation shall issue it if the person has probable cause to believe that the person charged is committing or has committed a Code violation.

(d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the violation occurred;

(iv) the fine that may be imposed;

(v) a notice stating that prepayment of the fine is not allowed;

(vi) a notice that the District Court shall promptly send the person charged a summons to appear for trial;

(vii) the signature of the person issuing the citation; and

(viii) a space for the person charged to sign the citation.

(3) The form of citation issued to a minor shall:

(i) be prescribed by the State Court Administrator;

(ii) be uniform throughout the State; and

(iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) (1) Except for a citation subject to the jurisdiction of a circuit court, the issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) (i) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(ii) Willful failure of the defendant to respond to the summons is contempt of court.

(f) (1) For purposes of this section, a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part or § 6–321 or § 6–322 of the Alcoholic Beverages Article is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation is not a criminal conviction for any purpose, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes, and in any such proceeding, the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;

(2) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(3) the defendant is entitled to cross–examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;

(4) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant;

(5) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation; or

(ii) not guilty of a Code violation; and

(6) before rendering judgment, the court may place the defendant on probation in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) This subsection does not apply to a person who commits a Code violation under § 6–321 or § 6–322 of the Alcoholic Beverages Article.

(2) Except as provided in paragraph (3) of this subsection, if the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) a fine not exceeding $500; or

(ii) if the violation is a subsequent violation, a fine not exceeding $1,000.

(3) If the District Court finds that a person has committed a Code violation under § 10–117 of this subtitle, the court shall require the person to pay:

(i) a fine not exceeding $2,500; or

(ii) if the violation is a subsequent violation, a fine not exceeding $5,000.

(4) The Chief Judge of the District Court may not establish a schedule for the prepayment of fines for a Code violation under this part.

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case in which costs are imposed are $5.

(k) (1) In this subsection, "driver's license" means a license or permit to drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

(2) This subsection applies only to:

(i) a person who is at least 18 but under 21 years of age; or

(ii) a minor if the minor is subject to the jurisdiction of the court.

(3) If a person is found guilty of a Code violation under § 10–113 of this part that involved the use of a driver's license or a document purporting to be a driver's license, the court shall notify the Motor Vehicle Administration of the violation.

(4) The Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, shall establish uniform procedures for reporting Code violations described in this subsection.

(l) (1) A defendant who has been found guilty of a Code violation has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion has the same authority provided in the trial of criminal cases.

(m) (1) The State's Attorney for any county may prosecute a Code violation in the same manner as prosecution of a violation of the criminal laws of this State.

(2) In a Code violation case the State's Attorney may:

(i) enter a nolle prosequi in or place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of this State.

§10–120.

(a) A person being issued a citation under §§ 10-113 through 10-119 of this part or § 26-103 of the Education Article may not fail or refuse to furnish proof of identification and age on request of the person issuing the citation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

(c) (1) The juvenile court has jurisdiction over a minor who is within the age of juvenile court jurisdiction.

(2) If there is a waiver of juvenile jurisdiction with respect to a minor who is otherwise subject to juvenile court jurisdiction, the District Court has jurisdiction over the matter, notwithstanding any contrary provision of § 4-301 of the Courts Article.

§10–121.

(a) This section does not apply to a person who:

(1) was acting in the capacity of a licensee, or an employee of a licensee, under the Alcoholic Beverages Article; and

(2) has committed a violation of and is subject to the penalties under § 6–304, § 6–307, § 6–308, or § 6–309 of the Alcoholic Beverages Article.

(b) Except as provided in subsection (c) of this section, an adult who violates § 10–116 or § 10–117 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding $2,500 for a first offense; or

(2) a fine not exceeding $5,000 for a second or subsequent offense.

(c) An adult who violates § 10–117(d) of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

§10–123.

(a) In this part the following words have the meanings indicated.

(b) "Alcoholic beverage" has the meaning stated in § 21–903 of the Transportation Article.

(c) "Bus" has the meaning stated in § 11–105 of the Transportation Article.

(d) "Highway" has the meaning stated in § 11–127 of the Transportation Article.

(e) "Limousine" has the meaning stated in § 11–129.1 of the Transportation Article.

(f) "Motor home" has the meaning stated in § 11–134.3 of the Transportation Article.

(g) (1) "Motor vehicle" means a vehicle that:

(i) is self–propelled or propelled by electric power obtained from overhead electrical wires; and

(ii) is not operated on rails.

(2) "Motor vehicle" includes:

(i) a low speed vehicle, as defined in § 11–130.1 of the Transportation Article;

(ii) a moped, as defined in § 11–134.1 of the Transportation Article; and

(iii) a motor scooter, as defined in § 11–134.5 of the Transportation Article.

(h) "Moving violation" has the meaning stated in § 11–136.1 of the Transportation Article.

(i) "Open container" means a bottle, can, or other receptacle:

(1) that is open;

(2) that has a broken seal; or

(3) from which the contents are partially removed.

(j) "Passenger area" has the meaning stated in § 21–903 of the Transportation Article.

(k) "Taxicab" has the meaning stated in § 11–165 of the Transportation Article.

§10–124.

(a) This part applies to a motor vehicle that is driven, stopped, standing, or otherwise located on a highway.

(b) This part does not affect the provisions of § 21-903 of the Transportation Article.

§10–125.

(a) (1) Except as otherwise provided in subsection (c) of this section, an occupant of a motor vehicle may not possess an open container that contains any amount of an alcoholic beverage in a passenger area of a motor vehicle on a highway.

(2) A driver of a motor vehicle may not be subject to prosecution for a violation of this subsection based solely on possession of an open container that contains any amount of an alcoholic beverage by another occupant of the motor vehicle.

(b) (1) This subsection does not apply to the driver of a motor vehicle.

(2) Except as otherwise provided in subsection (c) of this section, an occupant of a motor vehicle may not consume an alcoholic beverage in a passenger area of a motor vehicle on a highway.

(c) Subsections (a)(1) and (b)(2) of this section do not apply to an occupant, who is not the driver, in:

(1) a motor vehicle designed, maintained, and used primarily for the transportation of a person for compensation, including:

(i) a bus;

(ii) a taxicab; or

(iii) a limousine; or

(2) the living quarters of a motor home, motor coach, or recreational vehicle.

(d) Notwithstanding § 6–320, § 6–321, or § 6–322 of the Alcoholic Beverages Article, or any other provision of law, the prohibitions contained in this section apply throughout the State.

(e) A violation of this section is not:

(1) a moving violation for the purposes of § 16-402 of the Transportation Article; or

(2) a traffic violation for the purposes of the Maryland Vehicle Law.

§10–126.

(a) A police officer may issue a citation to a person who the police officer has probable cause to believe has committed a violation under this part.

(b) (1) A violation under this part is a civil offense.

(2) Adjudication of a violation under this part:

(i) is not a criminal conviction for any purpose; and

(ii) does not impose any of the civil disabilities that may result from a criminal conviction.

(c) A citation issued under this part shall be signed by the police officer who issues the citation and shall contain:

(1) the name and address of the person charged;

(2) the statute allegedly violated;

(3) the date, location, and time that the violation occurred;

(4) the fine that may be imposed;

(5) a notice stating that prepayment of the fine is allowed; and

(6) a notice that states that the District Court shall promptly send the person a summons to appear for trial.

(d) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.

(e) The Chief Judge of the District Court shall establish a schedule for the prepayment of a fine.

(f) (1) The law enforcement agency of the police officer who issued the citation shall forward to the District Court having venue a copy of the citation and a request for trial.

(2) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(g) If a person is found to have committed a violation under this part, the person is subject to a fine not exceeding $25.

(h) The court costs for a violation under this part are $5.

§10–127.

(a) In a proceeding for a violation under this part:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of a criminal case;

(2) the court shall apply the evidentiary standards as prescribed by law for the trial of a criminal case;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to:

(i) cross-examine each witness who appears against the defendant;

(ii) produce evidence and witnesses on the defendant's own behalf;

(iii) testify on the defendant's own behalf if the defendant chooses to do so; and

(iv) be represented by counsel of the defendant's own selection and expense;

(5) the defendant may enter a plea of guilty or not guilty;

(6) the verdict shall be:

(i) guilty of a civil violation; or

(ii) not guilty of a civil violation; and

(7) before entering a judgment, a court may place the defendant on probation in the same manner and to the same extent as is permitted by law in a criminal case.

(b) If a defendant is found guilty of a violation under this part and a fine is imposed, a court may direct that the payment of the fine be suspended or deferred under conditions determined by the court.

(c) A defendant's willful failure to pay a fine imposed under this part may be treated as a criminal contempt punishable as provided by law.

(d) A defendant who is found guilty of a violation under this part, as provided by law for a criminal case, may file:

(1) an appeal;

(2) a motion for a new trial; or

(3) a motion for a revision of a judgment.

(e) The State's Attorney for each county may:

(1) prosecute a violation under this part in the same manner as a prosecution of a criminal case, including entering a nolle prosequi or placing the case on violation on a stet docket; and

(2) exercise authority in the same manner prescribed by law for a violation of the criminal laws of the State.

§10–130.

(a) In this part, "Salvia divinorum" includes Salvinorin A and any material, compound, mixture, preparation, or product that contains Salvia divinorum or Salvinorin A.

(b) Nothing in this part shall prohibit an accredited academic or medical institution or research facility from conducting research on Salvia divinorum or Salvinorin A or a derivative of Salvia divinorum or Salvinorin A.

(c) This part does not preempt any local or municipal law regulating the use, possession, or distribution of Salvia divinorum or Salvinorin A.

§10–131.

(a) A person may not distribute Salvia divinorum to an individual under the age of 21 years.

(b) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by an employer, a government unit, or an institution of higher education that positively identified the purchaser or recipient as at least 21 years of age.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(1) $1,000 for a first violation;

(2) $2,000 for a second violation occurring within 2 years after the first violation; and

(3) $6,000 for each subsequent violation occurring within 2 years after the preceding violation.

(d) For purposes of this section, each separate incident at a different time and occasion is a separate violation.

§10–132.

An individual under the age of 21 years may not possess Salvia divinorum.

§10–133.

(a) A person who violates § 10–132 of this part shall be issued a citation under this section.

(b) A citation for a violation of § 10–132 of this part may be issued by:

(1) a police officer authorized to make arrests; and

(2) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) of the Natural Resources Article.

(c) A person authorized under this section to issue a citation shall issue the citation if the person has probable cause to believe that the person charged is committing or has committed a violation of § 10–132 of this part.

(d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult for a violation of § 10–132 of this part shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the violation occurred;

(iv) the fine that may be imposed;

(v) a notice stating that prepayment of the fine is not allowed;

(vi) a notice that the District Court shall promptly send to the person charged a summons to appear for trial;

(vii) the signature of the person issuing the citation; and

(viii) a space for the person charged to sign the citation.

(3) The form of citation issued to a minor shall:

(i) be prescribed by the State Court Administrator;

(ii) be uniform throughout the State; and

(iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) (1) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(3) Willful failure of the defendant to respond to a summons described in paragraph (2) of this subsection is contempt of court.

(f) (1) For purposes of this section, a violation of § 10–132 of this part is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation under § 10–132 of this part is not a criminal conviction for any purpose and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation under § 10–132 of this part:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross–examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) If the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) for a first violation, a fine not exceeding $500; or

(ii) for a second or subsequent violation, a fine not exceeding $1,000.

(2) The Chief Judge of the District Court may not establish a schedule for the prepayment of fines for a violation under § 10–132 of this part.

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case under § 10–132 of this part in which costs are imposed are $5.

(k) (1) A defendant who has been found guilty of a Code violation under § 10–132 of this part has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion, has the same authority provided in the trial of criminal cases.

(l) (1) The State's Attorney for any county may prosecute a Code violation under § 10–132 of this part in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under § 10–132 of this part, the State's Attorney may:

(i) enter a nolle prosequi in or place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

§10–136.

(a) (1) In this part the following words have the meanings indicated.

(2) "Table games" has the meaning stated in § 9–1A–01 of the State Government Article.

(3) "Video lottery employee" has the meaning stated in § 9–1A–01 of the State Government Article.

(4) "Video lottery facility" has the meaning stated in § 9–1A–01 of the State Government Article.

(5) "Video lottery terminal" has the meaning stated in § 9–1A–01 of the State Government Article.

(b) (1) Except as provided in paragraph (2) of this subsection, an individual under the age of 21 years may not:

(i) play a table game or video lottery terminal in a video lottery facility; or

(ii) enter or remain in an area within a video lottery facility that is designated for table game or video lottery terminal activities.

(2) A video lottery employee who is an adult may enter or remain in an area within a video lottery facility that is designated for table game or video lottery terminal activities if the video lottery employee is working.

§10–137.

(a) A person who violates § 10–136 of this part shall be issued a citation under this section.

(b) A citation for a violation of § 10–136 of this part may be issued by:

(1) a police officer authorized to make arrests; and

(2) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) of the Natural Resources Article.

(c) A person authorized under this section to issue a citation shall issue the citation if the person has probable cause to believe that the person charged is committing or has committed a violation of § 10–136 of this part.

(d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult for a violation of § 10–136 of this part shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the alleged violation occurred;

(iv) the fine that may be imposed;

(v) a notice that the District Court promptly shall send to the person charged a summons to appear for trial;

(vi) the signature of the person issuing the citation; and

(vii) a space for the person charged to sign the citation.

(3) The form of citation issued to a minor shall:

(i) be prescribed by the State Court Administrator;

(ii) be uniform throughout the State; and

(iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) (1) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) The District Court promptly shall schedule the case for trial and summon the defendant to appear.

(3) Willful failure of the defendant to respond to a summons described in paragraph (2) of this subsection is contempt of court.

(f) (1) For purposes of this section, a violation of § 10–136 of this part is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation under § 10–136 of this part is not a criminal conviction for any purpose and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation under § 10–136 of this part:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal cases;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal cases;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross–examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, and to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) If the District Court finds that a person has committed a Code violation, the court shall require the person:

(i) for a first violation, to pay a fine not exceeding $100;

(ii) for a second violation, to pay a fine not exceeding $500; or

(iii) for a third or subsequent violation, to pay a fine not exceeding $1,000 and to participate in gambling addiction treatment.

(2) The Chief Judge of the District Court may establish a schedule for the prepayment of fines for a violation under § 10–136 of this part.

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case under § 10–136 of this part in which costs are imposed are $5.

(k) (1) A defendant who has been found guilty of a Code violation under § 10–136 of this part has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion, has the same authority provided in the trial of criminal cases.

(l) (1) The State's Attorney for any county may prosecute a Code violation under § 10–136 of this part in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under § 10–136 of this part, the State's Attorney may:

(i) enter a nolle prosequi or place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

§10–201.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Public conveyance" means a conveyance to which the public or a portion of the public has access to and a right to use for transportation.

(ii) "Public conveyance" includes an airplane, vessel, bus, railway car, school vehicle, and subway car.

(3) (i) "Public place" means a place to which the public or a portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose.

(ii) "Public place" includes:

1. a restaurant, shop, shopping center, store, tavern, or other place of business;

2. a public building;

3. a public parking lot;

4. a public street, sidewalk, or right-of-way;

5. a public park or other public grounds;

6. the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;

7. a hotel or motel;

8. a place used for public resort or amusement, including an amusement park, golf course, race track, sports arena, swimming pool, and theater;

9. an institution of elementary, secondary, or higher education;

10. a place of public worship;

11. a place or building used for entering or exiting a public conveyance, including an airport terminal, bus station, dock, railway station, subway station, and wharf; and

12. the parking areas, sidewalks, and other grounds and structures that are part of a public place.

(b) For purposes of a prosecution under this section, a public conveyance or a public place need not be devoted solely to public use.

(c) (1) A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance.

(2) A person may not willfully act in a disorderly manner that disturbs the public peace.

(3) A person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

(4) A person who enters the land or premises of another, whether an owner or lessee, or a beach adjacent to residential riparian property, may not willfully:

(i) disturb the peace of persons on the land, premises, or beach by making an unreasonably loud noise; or

(ii) act in a disorderly manner.

(5) A person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another:

(i) on the other's land or premises;

(ii) in a public place; or

(iii) on a public conveyance.

(6) In Worcester County, a person may not build a bonfire or allow a bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $500 or both.

§10–202.

A person who keeps a disorderly house is guilty of a misdemeanor and on conviction is subject to imprisonment not less than 10 days and not exceeding 6 months or a fine not less than $50 and not exceeding $300 or both.

§10–203.

(a) (1) In this section the following words have the meanings indicated.

(2) "Commercial athletic contest" means an athletic or sporting event held in a public arena, field, hall, or stadium for admission to which the general public must pay an admission charge.

(3) "Object" means an item that may cause injury to a participant in or observer of the commercial athletic contest.

(b) A person may not disrupt or interfere with a commercial athletic contest by throwing or projecting an object on the playing field or seating area.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 months or a fine not exceeding $250 or both.

§10–204.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Medical facility" means:

1. a facility as defined in § 10–101 of the Health – General Article; or

2. a health care facility as defined in § 19–114 of the Health – General Article.

(ii) "Medical facility" includes an agency, clinic, or office operated under the direction of the local health officer or under the regulatory authority of the Maryland Department of Health.

(b) (1) This section does not apply to:

(i) the chief executive officer of the medical facility;

(ii) a designee of the chief executive officer of the medical facility;

(iii) an agent of the medical facility; or

(iv) a law enforcement officer.

(2) This section does not prohibit:

(i) speech; or

(ii) picketing in connection with a labor dispute as defined in § 4–301 of the Labor and Employment Article.

(c) A person may not intentionally act, alone or with others, to prevent another from entering or exiting a medical facility by physically:

(1) detaining the other; or

(2) obstructing, impeding, or hindering the other's passage.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

§10–205.

(a) (1) This subsection does not apply to a person who conducts a funeral, burial, memorial service, or funeral procession.

(2) A person may not knowingly obstruct, hinder, impede, or block another person's entry to or exit from a funeral, burial, memorial service, or funeral procession.

(b) A person may not address speech to a person attending a funeral, burial, memorial service, or funeral procession that is likely to incite or produce an imminent breach of the peace.

(c) A person may not engage in picketing activity within 500 feet of a funeral, burial, memorial service, or funeral procession that is targeted at one or more persons attending the funeral, burial, memorial service, or funeral procession.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

§10–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Homeless" means:

(1) lacking a fixed, regular, and adequate nighttime residence; or

(2) having a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(c) "Sexual orientation" means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender–related identity.

§10–302.

A person may not deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including:

(1) a place of worship;

(2) a cemetery;

(3) a religious school, educational facility, or community center; and

(4) the grounds adjacent to them.

§10–303.

A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs.

§10–304.

Because of another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, a person may not:

(1) (i) commit a crime or attempt or threaten to commit a crime against that person or group;

(ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group; or

(iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of a victim.

§10–305.

A person may not deface, damage, or destroy, attempt or threaten to deface, damage, or destroy, burn or attempt or threaten to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:

(1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or

(2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless.

§10–306.

(a) Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(b) (1) A person who violates § 10-304(2)(i) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both.

§10–307.

A sentence imposed under this subtitle may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this subtitle.

§10–308.

Nothing in this subtitle may be construed to infringe on the speech of a religious leader or other individual during peaceable activity intended to express the leader's or individual's religious beliefs or convictions.

§10–401.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Associated funerary object" means an item of human manufacture or use that is intentionally placed:

(i) with human remains at the time of interment in a burial site; or

(ii) after interment, as a part of a death ceremony of a culture, religion, or group.

(2) "Associated funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.

(c) (1) "Burial site" means a natural or prepared physical location, whether originally located below, on, or above the surface of the earth, into which human remains or associated funerary objects are deposited as a part of a death ceremony of a culture, religion, or group.

(2) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are left intentionally to remain at the site.

(d) "Permanent cemetery" means a cemetery that is owned by:

(1) a cemetery company regulated under Title 5 of the Business Regulation Article;

(2) a nonprofit organization; or

(3) the State.

§10–402.

(a) Except as provided in subsections (b) and (f) of this section, a person may not remove or attempt to remove human remains from a burial site.

(b) Subject to subsection (c) of this section, the State's Attorney for a county may authorize in writing the removal of human remains from a burial site in the State's Attorney's jurisdiction:

(1) to ascertain the cause of death of the person whose remains are to be removed;

(2) to determine whether the human remains were interred erroneously;

(3) for the purpose of reburial; or

(4) for medical or scientific examination or study allowed by law.

(c) (1) Except as provided in paragraph (4) of this subsection, the State's Attorney for a county shall require a person who requests authorization to relocate permanently human remains from a burial site to publish a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.

(2) The notice shall be published in the newspaper one time.

(3) The notice shall contain:

(i) a statement that authorization from the State's Attorney is being requested to remove human remains from a burial site;

(ii) the purpose for which the authorization is being requested;

(iii) the location of the burial site, including the tax map and parcel number or liber and folio number; and

(iv) all known pertinent information concerning the burial site, including the names of the persons whose human remains are interred in the burial site, if known.

(4) (i) The State's Attorney may authorize the temporary relocation of human remains from a burial site for good cause, notwithstanding the notice requirements of this subsection.

(ii) If the person requesting the authorization subsequently intends to relocate the remains permanently, the person promptly shall publish notice as required under this subsection.

(5) The person requesting the authorization from the State's Attorney shall pay the cost of publishing the notice.

(6) The State's Attorney may authorize the removal of the human remains from the burial site after:

(i) receiving proof of the publication required under paragraph (1) of this subsection; and

(ii) 15 days after the date of publication.

(7) This subsection may not be construed to delay, prohibit, or otherwise limit the State's Attorney's authorization for the removal of human remains from a burial site.

(8) For a known, but not necessarily documented, unmarked burial site, the person requesting authorization for the removal of human remains from the burial site has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the burial site.

(d) (1) Any human remains that are removed from a burial site under this section shall be reinterred in:

(i) 1. a permanent cemetery that provides perpetual care; or

2. a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14–121(a)(4) of the Real Property Article; and

(ii) in the presence of:

1. a mortician, professional cemeterian, or other individual qualified in the interment of human remains;

2. a minister, priest, or other religious leader; or

3. a trained anthropologist or archaeologist.

(2) The location of the final disposition and treatment of human remains that are removed from a burial site under this section shall be entered into the local burial sites inventory or, if no local burial sites inventory exists, into a record or inventory deemed appropriate by the State's Attorney or the Maryland Historical Trust.

(e) This section may not be construed to:

(1) preempt the need for a permit required by the Maryland Department of Health under § 4–215 of the Health – General Article to remove human remains from a burial site; or

(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, human remains or the remains of a decedent after cremation, as defined in § 5–508 of the

Health – General Article, may be removed from a burial site within a permanent cemetery and reinterred in:

(i) the same burial site; or

(ii) another burial site within the boundary of the same permanent cemetery.

(2) The following persons, in the order of priority stated, may arrange for a reinterment of remains under paragraph (1) of this section:

(i) the surviving spouse or domestic partner of the decedent;

(ii) an adult child of the decedent;

(iii) a parent of the decedent;

(iv) an adult brother or sister of the decedent;

(v) a person acting as a representative of the decedent under a signed authorization of the decedent; or

(vi) the guardian of the person of the decedent at the time of the decedent's death, if one has been appointed.

(3) (i) The reinterment under paragraph (1) of this subsection may be done without the need for obtaining the authorization of the State's Attorney under subsection (b) of this section or providing the notice required under subsection (c) of this section.

(ii) 1. A person who arranges for the reinterment of remains within a permanent cemetery under paragraph (1)(ii) of this subsection, within 30 days after the reinterment, shall publish a notice of the reinterment in a newspaper of general circulation in the county where the permanent cemetery is located.

2. The notice shall be published in the newspaper one time.

3. The notice shall contain:

A. a statement that the reinterment took place;

B. the reason for the reinterment;

C. the location of the burial site from which remains have been removed, including the tax map and parcel number or liber and folio number;

D. the location of the burial site in which the remains have been reinterred, including the tax map and parcel number or liber and folio number; and

E. all known pertinent information concerning the burial sites, including the names of the persons whose cremated remains or human remains are interred in the burial sites, if known.

(iii) Within 45 days after the reinterment, a person who arranges for a reinterment of remains under paragraph (1)(ii) of this subsection shall provide a copy of the notice required under this paragraph to the Office of Cemetery Oversight.

(4) The location of a reinterment of remains under paragraph (1) of this subsection shall be entered into the inventory of the local burial sites or, if no inventory exists, into a record or inventory deemed appropriate by the Maryland Historical Trust.

(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(h) A person who violates this section is subject to § 5–106(b) of the Courts Article.

§10–403.

(a) This section does not apply to:

(1) a person acting in the course of medical, archaeological, educational, or scientific study;

(2) a licensed mortician or other professional who transports human remains in the course of carrying out professional duties; or

(3) a person acting under the authority of:

(i) § 10-402 of this subtitle; or

(ii) § 4-215 or § 5-408 of the Health - General Article.

(b) A person may not knowingly sell, buy, or transport for sale or profit, or offer to buy, sell, or transport for sale or profit:

(1) unlawfully removed human remains; or

(2) an associated funerary object obtained in violation of § 10-404 of this subtitle.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

(d) The Maryland Historical Trust may appropriate all human remains and associated funerary objects obtained in violation of this subtitle for management, care, and administration until a determination of final disposition as provided by law.

(e) This section may not be construed to interfere with the normal operation and maintenance of a cemetery including:

(1) correction of improper burial siting; and

(2) moving the human remains within a cemetery with the consent of a person who qualifies as an heir as defined in § 1-101 of the Estates and Trusts Article.

§10–404.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, deface, or remove:

(i) an associated funerary object or another structure placed in a cemetery; or

(ii) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit the removal of a funerary object or a building, wall, fence, railing, or other object installed for the use, protection, or ornamentation of a cemetery or burial site, for the purpose of repair or replacement, either at the request of or with the permission of heirs or descendants of the deceased or the owner or manager of the cemetery or burial site.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit normal maintenance of a cemetery or burial site, including trimming of trees and shrubs, removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

(c) A person may not engage in indecent or disorderly conduct in a cemetery.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a violation of subsection (a) of this section, imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both; and

(2) for a violation of subsection (b) or (c) of this section, imprisonment not exceeding 2 years or a fine not exceeding $500 or both.

(e) A person who violates this section shall pay for the restoration of any damaged or defaced real or personal property in a cemetery to the owner of the property or the owner of the cemetery.

(f) This section does not prohibit the removal of human remains or a funerary object from an abandoned cemetery if:

(1) the removal is authorized in writing by the State's Attorney of the county in which the cemetery containing the human remains or funerary object is located; and

(2) the human remains or funerary object are placed in an accessible place in a permanent cemetery.

§10–501.

(a) A person may not commit adultery.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be fined $10.

§10–502.

(a) This section does not apply to a person if:

(1) the person's previous lawful spouse has been absent from the person for a continuous period of 7 years; and

(2) the person does not know whether the person's previous lawful spouse is living at the time of the subsequent marriage ceremony.

(b) While lawfully married to a living person, a person may not enter into a marriage ceremony with another.

(c) A person who violates this section is guilty of the felony of bigamy and on conviction is subject to imprisonment not exceeding 9 years.

(d) An indictment or warrant for bigamy is sufficient if it substantially states:

"(name of defendant) on (date), in (county), having a living spouse, feloniously entered into a marriage ceremony with (name of subsequent spouse), in violation of § 10-502 of the Criminal Law Article, against the peace, government, and dignity of the State.".

§10–601.

(a) In this subtitle the following words have the meanings indicated.

(b) "Animal" means a living creature except a human being.

(c) (1) "Cruelty" means the unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect.

(2) "Cruelty" includes torture and torment.

(d) "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals.

§10–602.

It is the intent of the General Assembly that each animal in the State be protected from intentional cruelty, including animals that are:

(1) privately owned;

(2) strays;

(3) domesticated;

(4) feral;

(5) farm animals;

(6) corporately or institutionally owned; or

(7) used in privately, locally, State, or federally funded scientific or medical activities.

§10–603.

Sections 10-601 through 10-608 of this subtitle do not apply to:

(1) customary and normal veterinary and agricultural husbandry practices including dehorning, castration, tail docking, and limit feeding;

(2) research conducted in accordance with protocols approved by an animal care and use committee, as required under the federal Animal Welfare Act or the federal Health Research Extension Act;

(3) an activity that may cause unavoidable physical pain to an animal, including food processing, pest elimination, animal training, and hunting, if the person performing the activity uses the most humane method reasonably available; or

(4) normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable.

§10–604.

(a) A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

(3) inflict unnecessary suffering or pain on an animal;

(4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:

(i) nutritious food in sufficient quantity;

(ii) necessary veterinary care;

(iii) proper drink;

(iv) proper air;

(v) proper space;

(vi) proper shelter; or

(vii) proper protection from the weather.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to:

(i) participate in and pay for psychological counseling; and

(ii) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

§10–605.

(a) A person may not knowingly attend a deliberately conducted dogfight as a spectator.

(b) A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

§10–606.

(a) (1) In this section, "sexual contact with an animal" means any act:

(i) involving:

1. a person touching the sex organ or anus of an animal;

2. contact between:

A. the sex organ or anus of a person and the mouth, sex organ, or anus of an animal; or

B. the sex organ or anus of an animal, and the mouth, sex organ, or anus of a person; or

3. insertion of:

A. any part of the body of a person into the opening of the vagina or anus of an animal;

B. any part of an animal's body into the opening of the vagina or anus of a person; or

C. any object into the opening of the vagina or anus of an animal; and

(ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.

(2) "Sexual contact with an animal" does not include:

(i) an accepted veterinary practice;

(ii) artificial insemination of an animal for reproductive purposes;

(iii) accepted animal husbandry practices, including:

1. grooming;

2. raising;

3. breeding;

4. assisting with the birthing process; or

5. any other activity that provides care for an animal; or

(iv) generally accepted practices relating to the judging of breed confirmation.

(b) A person may not:

(1) intentionally:

(i) mutilate an animal;

(ii) torture an animal;

(iii) cruelly beat an animal;

(iv) cruelly kill an animal; or

(v) engage in sexual contact with an animal;

(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(3) except in the case of self–defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; and

2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

§10–607.

(a) In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

(b) A person may not:

(1) use or allow a dog to be used in a dogfight or for baiting;

(2) arrange or conduct a dogfight;

(3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or

(4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; and

2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

§10–607.1.

(a) (1) In this section, "implement of dogfighting" means an implement, an object, a device, or a drug intended or designed:

(i) to enhance the fighting ability of a dog; or

(ii) for use in a deliberately conducted event that uses a dog to fight with another dog.

(2) "Implement of dogfighting" includes:

(i) a breaking stick designed for insertion behind the molars of a dog to break the dog's grip on another animal or object;

(ii) a cat mill that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;

(iii) a springpole that has a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground;

(iv) a fighting pit or other confined area designed to contain a dogfight;

(v) a breeding stand or rape stand used to immobilize female dogs for breeding purposes; and

(vi) any other instrument or device that is commonly used in the training for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or otherwise in furtherance of a dogfight.

(b) A person may not possess, with the intent to unlawfully use, an implement of dogfighting.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to participate in and pay for psychological counseling; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

(3) Each implement of dogfighting possessed in violation of this section is a separate offense.

§10–608.

(a) (1) In this section, "implement of cockfighting" means any implement or device intended or designed:

(i) to enhance the fighting ability of a fowl, cock, or other bird; or

(ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) "Implement of cockfighting" includes:

(i) a gaff;

(ii) a slasher;

(iii) a postiza;

(iv) a sparring muff; and

(v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

(b) A person may not:

(1) use or allow the use of a fowl, cock, or other bird to fight with another animal;

(2) possess, with the intent to unlawfully use, an implement of cockfighting;

(3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;

(4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or

(5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(2) As a condition of sentencing, the court may:

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; and

2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

§10–609.

(a) Except as provided in subsections (b) and (c) of this section, if an officer of a humane society sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

(b) In Calvert County, if an officer of a humane society or an animal control officer appointed by the County Commissioners or the County Commissioners' designee sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

(c) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control shall enforce this section.

§10–610.

(a) This section does not apply to a person giving away an animal:

(1) as an agricultural project;

(2) for conservation purposes; or

(3) that is intended for slaughter.

(b) Without the approval of the Secretary of Agriculture, a person may not give away a live animal as:

(1) a prize for, or inducement to enter, a contest, game, or other competition;

(2) an inducement to enter a place of amusement; or

(3) an incentive to make a business agreement if the offer is to attract trade.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§10–611.

(a) A person may not kill or allow a dog or cat to be killed by use of:

(1) a decompression chamber;

(2) carbon monoxide gas; or

(3) curariform drugs.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§10–612.

(a) A person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or on private property with the intent to abandon the animal.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

§10–613.

(a) This section does not apply to:

(1) a biomedical facility that is licensed by the United States Department of Agriculture; or

(2) an animal that is accompanied by a signed statement from a licensed veterinarian stating that the animal's dam is incapacitated for humane or medical reasons and cannot care for the animal.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not sell or distribute in the State or bring into the State for the purpose of sale or distribution a domestic dog or cat less than 8 weeks of age unless accompanied by its dam.

(2) A person may give an unaccompanied dog or cat to:

(i) an animal shelter or pound that is operated or supported by a government; or

(ii) a humane society.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

(2) For purposes of humane disposal, a court may seize an animal brought into this State in violation of this section.

§10–614.

(a) In this section, "chick" means a chicken, duckling, or other fowl under the age of 3 weeks.

(b) This section does not prohibit the sale or display of a chick in proper facilities by a breeder or store engaged in the business of selling chicks for commercial breeding and raising.

(c) A person may not:

(1) sell, offer for sale, barter, or give away a chick as a pet, toy, premium, or novelty; or

(2) color, dye, stain, or otherwise change the natural color of a chick.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25.

§10–615.

(a) If an owner or custodian of an animal is convicted of an act of animal cruelty, the court may order the removal of the animal or any other animal at the time of conviction for the protection of the animal.

(b) (1) An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals may seize an animal if necessary to protect the animal from cruelty.

(2) (i) An animal that a medical and scientific research facility possesses may be removed under this subsection only after review by and a recommendation from the Maryland Department of Health, Center for Veterinary Public Health.

(ii) The Maryland Department of Health shall:

1. conduct an investigation within 24 hours after receiving a complaint; and

2. within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.

(c) (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of a humane society, a police officer, another public official required to protect animals, or any invited and accompanying veterinarian licensed in the State, may:

(i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or

(ii) remove the animal if removal is necessary for the health of the animal.

(2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.

(d) (1) A person who removes an animal under subsection (c) of this section shall notify the animal's owner or custodian of:

(i) the removal; and

(ii) any administrative remedies that may be available to the owner or custodian.

(2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the removal occurred within 10 days after the removal.

(e) An animal is considered a stray if:

(1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after removal; or

(2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 20 days to determine the owner or custodian.

(f) This section does not allow:

(1) entry into a private dwelling; or

(2) removal of a farm animal without the prior recommendation of a veterinarian licensed in the State.

(g) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.

§10–616.

(a) This section does not apply to premises:

(1) where dogs are kept or bred solely for medical or related research or laboratory tests;

(2) operated by a licensed and regularly practicing veterinarian; or

(3) where hunting dogs are housed, if the buying, selling, trading, or breeding is incidental to the main purposes of housing, keeping, and using dogs.

(b) (1) To determine if dogs are being treated inhumanely in violation of this subtitle or other law, an authorized director of a humane society, accompanied by a sheriff or a deputy sheriff, may inspect a premises:

(i) where a person is engaged in the business of buying, selling, trading, or breeding dogs; or

(ii) of a kennel where 25 or more dogs are kept.

(2) A person who inspects premises under paragraph (1) of this subsection shall give prior written notice of the time and date of the inspection to the owner or occupant of the premises.

(c) (1) In Baltimore City, the Baltimore City Health Department shall enforce this section.

(2) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.

§10–617.

(a) In this section, "animal control unit" means the local organization or governmental unit that the appropriate local governmental body designates to house, care for, and control domestic animals of unknown ownership.

(b) An animal control unit shall dispose of an unclaimed dog or cat only by:

(1) placing the animal in a suitable home;

(2) retaining the animal in the animal control unit; or

(3) humanely destroying the animal.

(c) A domestic animal that is impounded by an animal control unit may not be sold, placed, or destroyed until the animal has been carefully inspected for a tag, tattoo, microchip, or other identification to ascertain the owner and:

(1) 72 hours have elapsed after notice has been given to the owner;

(2) if the owner cannot be notified, 72 hours have elapsed after the animal is impounded;

(3) the animal is seriously diseased or severely injured; or

(4) the animal is under 3 months of age.

(d) (1) An animal control unit shall make a reasonable effort to notify the owner of the location of and the procedure for retrieving an impounded animal.

(2) An owner who retrieves an animal from an animal control unit shall pay all fees, costs, and expenses incurred by the animal control unit.

(3) The necessary expenses for food and attention given to an animal under this section may be collected from the owner, and the animal is not exempt from levy and sale on execution of a judgment for the expenses.

(4) A new owner with whom an animal is placed under subsection (b)(1) of this section may be charged an adoption fee.

(e) A person who violates this section:

(1) for a first offense, is subject to a civil fine not exceeding $500; and

(2) for a second or subsequent offense, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§10–618.

(a) A person may not willfully and maliciously give poison or ground glass to a dog, or expose poison or ground glass, with the intent that a dog ingest it.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 for each violation.

§10–619.

(a) (1) In this section the following words have the meanings indicated.

(2) "Dangerous dog" means a dog that:

(i) without provocation has killed or inflicted severe injury on a person; or

(ii) is determined by the appropriate unit of a county or municipal corporation under subsection (c) of this section to be a potentially dangerous dog and, after the determination is made:

1. bites a person;

2. when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or

3. attacks without provocation.

(3) (i) "Owner's real property" means real property owned or leased by the owner of a dog.

(ii) "Owner's real property" does not include a public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(4) "Severe injury" means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(b) This section does not apply to a dog owned by and working for a governmental or law enforcement unit.

(c) An appropriate unit of a county or municipal corporation may determine that a dog is potentially dangerous if the unit:

(1) finds that the dog:

(i) has inflicted a bite on a person while on public or private real property;

(ii) when not on its owner's real property, has killed or inflicted severe injury on a domestic animal; or

(iii) has attacked without provocation; and

(2) notifies the dog owner in writing of the reasons for this determination.

(d) A dog owner may not:

(1) leave a dangerous dog unattended on the owner's real property unless the dog is:

(i) confined indoors;

(ii) in a securely enclosed and locked pen; or

(iii) in another structure designed to restrain the dog; or

(2) allow a dangerous dog to leave the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

(e) An owner of a dangerous dog or potentially dangerous dog who sells or gives the dog to another shall notify in writing:

(1) the authority that made the determination under subsection (c) of this section, of the name and address of the new owner of the dog; and

(2) the person taking possession of the dog, of the dangerous behavior or potentially dangerous behavior of the dog.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

§10–620.

(a) A person may not:

(1) willfully and maliciously interfere with, injure, destroy, or tamper with a horse used for racing or breeding or for a competitive exhibition of skill, breed, or stamina;

(2) willfully start, instigate, engage in, or further an act that interferes with, injures, destroys, or tampers with a horse used for racing or breeding or for a competitive exhibition of skill, breed, or stamina; or

(3) commit an act that tends to interfere with, injure, destroy, or tamper with a horse used for racing or breeding or for a competitive exhibition of skill, breed, or stamina.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment of not less than 1 year and not exceeding 3 years.

§10–621.

(a) (1) Except as provided in subsection (b)(2) of this section, this section does not apply to:

(i) a research facility or federal research facility licensed under the federal Animal Welfare Act;

(ii) the holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor's primary function;

(iii) a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;

(iv) an animal sanctuary that:

1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;

2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;

3. does not conduct commercial activity with respect to any animal of which the organization is an owner; and

4. does not buy, sell, trade, lease, or breed any animal except as an integral part of the species survival plan of the American Zoo and Aquarium Association;

(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;

(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the animal specified in subsection (b) of this section in accordance with customary and normal veterinary practices;

(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State; and

(viii) a circus holding a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., that:

1. is in the State for less than 90 days per calendar year;

2. regularly conducts performances featuring live animals and multiple human entertainers, including acrobats and clowns; and

3. does not allow members of the public to be in proximity to an animal specified under subsection (b) of this section, including opportunities to be photographed with the animal, without sufficient distance and protective barriers.

(2) (i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.

(ii) The notification shall include:

1. the person's name, address, and telephone number;

2. the number and type of animals being kept; and

3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.

(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:

(i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and

(ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.

(b) (1) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:

(i) fox, skunk, raccoon, or bear;

(ii) caiman, alligator, or crocodile;

(iii) member of the cat family other than the domestic cat;

(iv) hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;

(v) member of the dog family other than the domestic dog;

(vi) hybrid of a member of the dog family and a domestic dog;

(vii) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

(viii) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.

(2) (i) This paragraph does not apply to an entity described in subsection (a)(1)(i), (iii), (iv), (v), (vi), (vii), or (viii) of this section.

(ii) Except as provided in subparagraph (iii) of this paragraph, the holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., may not possess a nonhuman primate, bear, lion, tiger, leopard, clouded leopard, snow leopard, jaguar, cheetah, or cougar or a hybrid of one of these animals that was not owned by the holder of the license on June 30, 2014.

(iii) The holder of a Class C Exhibitor's License under the Animal Welfare Act, 7 U.S.C. § 2131 et seq., may acquire or breed a nonhuman primate, bear, lion, tiger, leopard, clouded leopard, snow leopard, jaguar, cheetah, or cougar or a hybrid of one of these animals if the holder:

1. maintains a liability insurance policy of at least $1,000,000;

2. has a paid full–time director;

3. has at least one paid full–time staff member trained in the care of each species that the holder keeps;

4. has an animal disposition policy that provides for the placement of animals in appropriate facilities if the holder's facility closes; and

5. maintains and implements a training plan regarding zoonotic disease risk and prevention.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(i) if an individual, a fine not exceeding $1,000; or

(ii) if not an individual, a fine not exceeding $10,000.

(2) The provisions of this section may be enforced by:

(i) any State or local law enforcement officer; or

(ii) the local animal control authority for the jurisdiction where the violation occurs.

(d) (1) An animal specified in subsection (b) of this section may be immediately seized if:

(i) there is probable cause to believe that the possession of the animal is in violation of this section; or

(ii) the animal poses a risk to public health or public safety.

(2) An animal specified in subsection (b) of this section that is seized may be returned to the person who had possession of the animal at the time the animal was seized only if it is established that:

(i) possession of the animal by the person is not a violation of this section; and

(ii) the return of the animal does not pose a risk to public health or public safety.

(3) (i) Notice that the animal was seized shall be served on the person who had possession of the animal at the time the animal was seized by:

1. posting a copy of the notice at the place where the animal was seized;

2. regular and certified mail, return receipt requested; or

3. delivering the notice to a person residing on the property from which the animal was seized.

(ii) The notice shall include:

1. a description of the animal seized;

2. the authority for and the purpose of the seizure;

3. the time, place, and circumstances of the seizure;

4. a contact person and telephone number;

5. a statement that the person from whom the animal was seized may:

A. post security to prevent disposition of the animal; and

B. request a hearing concerning the seizure;

6. a statement that failure to post security or request a hearing within 10 days of the date of the notice will result in the disposition of the animal; and

7. a statement that, unless a court finds that the seizure of the animal was not justified, the actual costs of the care, keeping, and disposal of the animal are the responsibility of the person from whom the animal was seized.

(4) (i) Before a seizure under paragraph (1) of this subsection occurs, the person in possession of the animal to be seized may request that the animal remain in the person's physical custody for 30 days after the date the animal was to be seized.

(ii) During the 30 days provided in subparagraph (i) of this paragraph, the person shall take all necessary actions to comply with this section.

(iii) At any reasonable time during the 30–day period, the local animal control authority may inspect the premises where the animal is being kept.

(5) (i) If a person who retains possession of an animal under paragraph (4) of this subsection is not in compliance with this section after the 30–day period has expired, the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species.

(ii) The authority seizing an animal under this paragraph shall provide notice of the seizure in the same manner as provided in paragraph (3) of this subsection.

(6) (i) A person from whom an animal was seized may request a hearing in the District Court within 10 days of the seizure.

(ii) A hearing shall be held as soon as practicable to determine the validity of the seizure and the disposition of the animal.

(7) (i) Unless the court finds that the seizure of the animal was not justified by law, a person from whom the animal specified in subsection (b) of this section is seized is liable for all actual costs of care, keeping, and disposal of the animal.

(ii) The costs required under this paragraph shall be paid in full unless a mutually satisfactory agreement is made between the local animal control authority and the person claiming an interest in the animal.

(8) (i) If there is no request for a hearing within 10 days of the notice or if the court orders a permanent and final disposition of the animal, the local animal control authority shall take steps to find long–term placement of the animal with another appropriate facility that is equipped for the continued care of the particular species of the animal.

(ii) If there is no entity that is suitable for the care of the animal, the animal may be euthanized.

(e) This section does not limit a county or municipality from enacting laws or adopting regulations that are more restrictive pertaining to any potentially dangerous animals, including those specified in subsection (b) of this section.

(f) If the owner of an animal specified in subsection (b) of this section dies without making arrangements for the transfer of custody of the animal to another person, the animal may be turned over to one of the organizations specified in subsection (a)(1) of this section or euthanized if no suitable location can be found in a reasonable amount of time.

§10–622.

(a) A person may not shoot, kill, or maim a carrier pigeon.

(b) A person may not entrap, catch, or detain a carrier pigeon that has:

(1) the owner's name stamped on the carrier pigeon's wing or tail; or

(2) a leg band that includes the owner's initials, name, or number.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $10 for each violation.

§10–623.

(a) (1) In this section the following words have the meanings indicated.

(2) "Collar" means a device constructed of nylon, leather, or similar material specifically designed to be used around the neck of a dog.

(3) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

(b) A person may not leave a dog outside and unattended by use of a restraint:

(1) that unreasonably limits the movement of the dog;

(2) that uses a collar that:

(i) is made primarily of metal; or

(ii) is not at least as large as the circumference of the dog's neck plus 1 inch;

(3) that restricts the access of the dog to suitable and sufficient clean water or appropriate shelter;

(4) in unsafe or unsanitary conditions; or

(5) that causes injury to the dog.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

§10–624.

(a) Except as provided in subsection (b) of this section, a person may not:

(1) crop or cut off the ear of a dog;

(2) dock or cut off the tail of a dog;

(3) cut off the dewclaw of a dog; or

(4) surgically birth a dog.

(b) A procedure described in subsection (a) of this section may be performed by a licensed veterinarian using anesthesia when appropriate on the animal.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding $5,000 or both.

§10–625.

(a) (1) "Devocalize" means to perform a surgical procedure involving cutting, notching, punching, abrading, lasering, suturing, or otherwise physically altering the vocal apparatus of a dog or cat with the intent of altering, reducing, or eliminating vocal sounds produced by the animal.

(2) "Devocalize" includes debarking, devoicing, silencing, ventriculocordectomy, vocal cordectomy, bark reduction, and bark softening.

(b) Except as provided in subsection (c) of this section, a person may not surgically devocalize a dog or cat.

(c) A licensed veterinarian may surgically devocalize a dog or cat only if:

(1) anesthesia is administered to the animal during the procedure; and

(2) the veterinarian provides the owner or keeper of the animal a written certification that:

(i) states that the procedure on the animal was medically necessary to treat or relieve a physical illness, a disease, or an injury, or to correct a

congenital abnormality that is causing or will cause the animal medical harm or pain; and

(ii) contains:

1. the date and description of the veterinarian's examination and evaluation;

2. supporting diagnoses and findings;

3. the name and current address and telephone number of the animal's owner or keeper; and

4. the name and current address and telephone number, State license number, and signature of the veterinarian.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding $2,000 or both.

§10–626. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2020 PER CHAPTER 410 OF 2017 //

(a) (1) In this section the following words have the meanings indicated.

(2) "Animal control unit" has the meaning stated in § 10–617 of this subtitle.

(3) "Animal welfare organization" means a nonprofit organization established to promote animal welfare that has received tax exempt status under § 501(c)(3) of the U.S. Internal Revenue Code and is registered to do business in the State.

(4) "Fund" means the Animal Abuse Emergency Compensation Fund established under this section.

(5) "GOCCP" means the Governor's Office of Crime Control and Prevention.

(b) There is an Animal Abuse Emergency Compensation Fund.

(c) The purpose of the Fund is to assist in paying costs associated with the removal and care of animals impounded under this subtitle.

(d) (1) The Executive Director of GOCCP shall administer the Fund.

(2) The Executive Director shall receive from the Fund each fiscal year the amount, not exceeding $50,000 in a fiscal year, necessary to offset its costs in administering this subtitle.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) interest earnings of the Fund;

(3) fines levied as a result of conviction of an animal abuse crime; and

(4) any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may be used only to defray the reasonable costs incurred by an animal control unit or animal welfare organization in caring for an animal from the time of seizure until the outcome of the criminal case including:

(1) impound;

(2) transportation;

(3) medical care;

(4) food;

(5) routine care; and

(6) sheltering.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(i) The Fund is subject to audit by the Office of Legislative Audits as provided in § 2–1220 of the State Government Article.

§10–701.

In this subtitle, "flag" includes any size flag, standard, color, ensign, or shield made of any substance or represented or produced on any substance, that purports to be a flag, standard, color, ensign, or shield of the United States or of this State.

§10–702.

This subtitle does not apply to:

(1) an act allowed by the statutes of the United States or of this State, or by the regulations of the armed forces of the United States; or

(2) a document or product, stationery, ornament, picture, apparel, or jewelry that depicts a flag without a design or words on the flag and that is not connected with an advertisement.

§10–704.

(a) A person may not intentionally mutilate, deface, destroy, burn, trample, or use a flag:

(1) in a manner intended to incite or produce an imminent breach of the peace; and

(2) under circumstances likely to incite or produce an imminent breach of the peace.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§10–705.

This subtitle shall be construed to carry out its general purpose and to make uniform the laws of the states that enact it.

§10–706.

This subtitle may be cited as the Maryland Uniform Flag Law.

§11–101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Advertising purposes" means the purpose of propagandizing in connection with the commercial:

(1) sale of a product;

(2) offering of a service; or

(3) exhibition of entertainment.

(c) "Sadomasochistic abuse" means:

(1) flagellation or torture committed by or inflicted on an individual who is:

(i) nude;

(ii) wearing only undergarments; or

(iii) wearing a revealing or bizarre costume; or

(2) binding, fettering, or otherwise physically restraining an individual who is:

(i) nude;

(ii) wearing only undergarments; or

(iii) wearing a revealing or bizarre costume.

(d) "Sexual conduct" means:

(1) human masturbation;

(2) sexual intercourse;

(3) whether alone or with another individual or animal, any touching of or contact with:

(i) the genitals, buttocks, or pubic areas of an individual; or

(ii) breasts of a female individual; or

(4) lascivious exhibition of the genitals or pubic area of any person.

(e) "Sexual excitement" means:

(1) the condition of the human genitals when in a state of sexual stimulation;

(2) the condition of the human female breasts when in a state of sexual stimulation; or

(3) the sensual experiences of individuals engaging in or witnessing sexual conduct or nudity.

§11–102.

(a) A person may not knowingly sell or offer to sell to a minor:

(1) a picture, photograph, drawing, sculpture, motion picture, film, or other visual representation or image of an individual or portion of the human body that depicts sadomasochistic abuse, sexual conduct, or sexual excitement;

(2) a book, magazine, paperback, pamphlet, or other written or printed matter however reproduced, that contains:

(i) any matter enumerated in item (1) of this section;

(ii) obscene material; or

(iii) explicit verbal descriptions or narrative accounts of sadomasochistic abuse, sexual conduct, or sexual excitement; or

(3) a sound recording that contains:

(i) obscene material; or

(ii) explicit verbal descriptions or narrative accounts of sadomasochistic abuse, sexual conduct, or sexual excitement.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§11–103.

(a) This section applies to a motion picture show or other presentation, whether animated or live, that wholly or partly:

(1) depicts or reveals:

(i) sadomasochistic abuse;

(ii) sexual conduct; or

(iii) sexual excitement; or

(2) includes obscene material or explicit verbal descriptions or narrative accounts of sexual conduct.

(b) For monetary consideration or other valuable commodity or service, a person may not knowingly:

(1) exhibit to a minor without the presence of the minor's parent or guardian a motion picture show or other presentation described in subsection (a) of this section;

(2) sell to a minor an admission ticket or other means to gain entrance to a motion picture show or other presentation described in subsection (a) of this section; or

(3) admit a minor without the presence of the minor's parent or guardian to premises where a motion picture show or other presentation described in subsection (a) of this section is exhibited.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§11–104.

(a) A person who operates or is employed in a sales, cashier, or managerial capacity in a retail establishment may not knowingly allow a minor without the presence of the minor's parent or guardian to enter or remain on any premises where an item or activity detailed in § 11-102(a) of this subtitle is shown, displayed, or depicted.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§11–104.1.

(a) In Harford County and Cecil County, a person who operates a bookstore or entertainment venue in which an item or activity described in § 11-102 or § 11-103 of this subtitle is shown, displayed, or depicted and constitutes a majority of the items or activities offered for sale or rental by the bookstore or entertainment venue:

(1) shall require each individual upon entering the premises to display a driver's license or an identification card that substantiates the individual's age; and

(2) may not knowingly allow a minor to remain on the premises.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§11–105.

(a) A person may not knowingly display for advertising purposes a picture, photograph, drawing, sculpture, or other visual representation or image of an individual or portion of a human body that:

(1) depicts sadomasochistic abuse;

(2) depicts sexual conduct as defined by § 11–101(d)(1), (2), or (3) of this subtitle;

(3) depicts sexual excitement; or

(4) contains a verbal description or narrative account of sadomasochistic abuse, sexual conduct, or sexual excitement.

(b) A person may not knowingly allow a display described in subsection (a) of this section on premises that the person owns, rents, or manages.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§11–106.

For purposes of §§ 11-101 through 11-105 of this subtitle, an employee of a person who operates premises where a public display violates this subtitle is presumed to have been the operator of the premises when the violation occurred if the employee was on the premises at the time of the violation.

§11–107.

A person convicted of indecent exposure is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§11–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Distribute" means to transfer possession.

(c) "Knowingly" means having knowledge of the character and content of the matter.

(d) "Matter" means:

(1) a book, magazine, newspaper, or other printed or written material;

(2) a picture, drawing, photograph, motion picture, or other pictorial representation;

(3) a statue or other figure;

(4) a recording, transcription, or mechanical, chemical, or electrical reproduction; or

(5) any other article, equipment, machine, or material.

(e) "Sadomasochistic abuse" has the meaning stated in § 11-101 of this title.

(f) "Sexual conduct" has the meaning stated in § 11-101 of this title.

(g) "Sexual excitement" has the meaning stated in § 11-101 of this title.

§11–202.

(a) A person may not:

(1) knowingly send or cause to be sent any obscene matter into the State for sale or distribution;

(2) knowingly bring or cause to be brought any obscene matter into the State for sale or distribution;

(3) in the State prepare, publish, print, exhibit, distribute, or offer to distribute any obscene matter; or

(4) possess any obscene matter in the State with the intent to distribute, offer to distribute, or exhibit.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(c) (1) The State's Attorney may maintain an action for an injunction in the circuit court against a person to prevent the sale, further sale, distribution, further distribution, acquisition, publication, or possession within the State of any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing, photograph, motion picture film or showing, or any article, item, or instrument the use of which is obscene.

(2) The circuit court may enjoin the sale or distribution of a book, magazine, motion picture film or showing, or other publication or item that is prohibited under this section from sale or distribution.

(3) After being served a summons and complaint in an action by the State's Attorney under this section, a person who sells, distributes, or acquires the

enjoined material is chargeable with knowledge of the contents of the materials described in this section.

(4) The defendant is entitled to a trial of the issues within 1 day after joinder of issue.

(5) The court shall render a decision within 2 days after the conclusion of the trial.

(6) If an order or judgment is entered in favor of the State's Attorney, the final order or judgment shall contain provisions:

(i) directing the person to surrender the obscene matter to the peace officer designated by the court or the county sheriff; and

(ii) directing the peace officer or county sheriff to seize and destroy the obscene matter.

(7) In an action brought under this section, the State's Attorney is not:

(i) required to file a bond before an injunction order is issued;

(ii) liable for costs; or

(iii) liable for damages sustained because of the injunction order if judgment is rendered in favor of the defendant.

§11–203.

(a) (1) In this section the following words have the meanings indicated.

(2) "Distribute" includes to rent.

(3) "Illicit sex" means:

(i) human genitals in a state of sexual stimulation or arousal;

(ii) acts of human masturbation, sexual intercourse, or sodomy; or

(iii) fondling or other erotic touching of human genitals.

(4) "Item" means a:

(i) still picture or photograph;

(ii) book, pocket book, pamphlet, or magazine;

(iii) videodisc, videotape, video game, film, or computer disc; or

(iv) recorded telephone message.

(5) "Obscene" means:

(i) that the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

(ii) that the work depicts sexual conduct specified in subsection (b) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and

(iii) that the work, taken as a whole, lacks serious artistic, educational, literary, political, or scientific value.

(6) "Partially nude figure" means a figure with:

(i) less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or

(ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) (1) A person may not willfully or knowingly display or exhibit to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(2) A person may not willfully or knowingly engage in the business of displaying, exhibiting, selling, showing, advertising for sale, or distributing to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(3) If a newsstand or other place of business is frequented by minors, the owner, operator, franchisee, manager, or an employee with managerial responsibility may not openly and knowingly display at the place of business an item whose sale, display, exhibition, showing, or advertising is prohibited by paragraph (2) of this subsection.

(c) The provision of services or facilities by a telephone company under a tariff approved by the Public Service Commission is not a violation of subsection (b) of this section relating to recorded telephone messages.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§11–204.

(a) This section applies only in Allegany, Anne Arundel, Charles, Howard, Somerset, Wicomico, and Worcester counties.

(b) (1) A person may not prepare, give, direct, present, perform or participate in an obscene performance, exhibition, drama, play, show, dancing exhibition, tableau, or other entertainment in which individuals perform or participate live in an obscene manner in the presence of individuals who have paid any kind of consideration to observe the exhibition or performance.

(2) An owner, lessee, or manager of a building, garden, place, room, structure, or theater may not knowingly allow or assent to the use of the premises for the types of exhibitions prohibited by paragraph (1) of this subsection.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§11–205.

(a) A person may not knowingly:

(1) write or create advertising or otherwise promote the sale or distribution of matter the person represents or holds out to be obscene; or

(2) solicit the publication of advertising that promotes the sale or distribution of matter the person represents or holds out to be obscene.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§11–206.

(a) (1) A person may not knowingly require a purchaser or consignee to receive obscene matter as a condition to a sale, allocation, consignment, or delivery for resale of a paper, magazine, book, periodical, publication, or other merchandise.

(2) In response to a person's return of or failure to accept obscene matter, a person may not knowingly:

(i) deny or revoke a franchise;

(ii) threaten to deny or revoke a franchise; or

(iii) impose a financial or other penalty.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§11–207.

(a) A person may not:

(1) cause, induce, solicit, or knowingly allow a minor to engage as a subject in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct;

(2) photograph or film a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(3) use a computer to depict or describe a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(4) knowingly promote, advertise, solicit, distribute, or possess with the intent to distribute any matter, visual representation, or performance:

(i) that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct; or

(ii) in a manner that reflects the belief, or that is intended to cause another to believe, that the matter, visual representation, or performance depicts a minor engaged as a subject of sadomasochistic abuse or sexual conduct; or

(5) use a computer to knowingly compile, enter, transmit, make, print, publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice, statement, advertisement, or minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of engaging in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor.

(b) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 20 years or a fine not exceeding $50,000 or both.

(c) (1) (i) This paragraph applies only if the minor's identity is unknown or the minor is outside the jurisdiction of the State.

(ii) In an action brought under this section, the State is not required to identify or produce testimony from the minor who is depicted in the obscene matter or in any visual representation or performance that depicts the minor engaged as a subject in sadomasochistic abuse or sexual conduct.

(2) The trier of fact may determine whether an individual who is depicted in an obscene matter, or any visual representation or performance as the subject in sadomasochistic abuse or sexual conduct, was a minor by:

(i) observation of the matter depicting the individual;

(ii) oral testimony by a witness to the production of the matter, representation, or performance;

(iii) expert medical testimony; or

(iv) any other method authorized by an applicable provision of law or rule of evidence.

§11–208.

(a) (1) In this section, "indistinguishable from an actual and identifiable child" means an ordinary person would conclude that the image is of an actual and identifiable minor.

(2) "Indistinguishable from an actual and identifiable child" includes a computer–generated image that has been created, adapted, or modified to appear as an actual and identifiable child.

(3) "Indistinguishable from an actual and identifiable child" does not include images or items depicting minors that are:

(i) drawings;

(ii) cartoons;

(iii) sculptures; or

(iv) paintings.

(b) A person may not knowingly possess and intentionally retain a film, videotape, photograph, or other visual representation showing an actual child or a computer–generated image that is indistinguishable from an actual and identifiable child under the age of 16 years:

(1) engaged as a subject of sadomasochistic abuse;

(2) engaged in sexual conduct; or

(3) in a state of sexual excitement.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $2,500 or both.

(2) A person who violates this section, having previously been convicted under this section, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(d) Nothing in this section may be construed to prohibit a parent from possessing visual representations of the parent's own child in the nude unless the visual representations show the child engaged:

(1) as a subject of sadomasochistic abuse; or

(2) in sexual conduct and in a state of sexual excitement.

(e) It is an affirmative defense to a charge of violating this section that the person promptly and in good faith:

(1) took reasonable steps to destroy each visual representation; or

(2) reported the matter to a law enforcement agency.

§11–208.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Child pornography" means any electronic image or visual depiction that is unlawful under § 11-207 or § 11-208 of this subtitle.

(3) "Controlled or owned", with respect to a server or other storage device, means to be entirely owned by an interactive computer service provider or to be subject to exclusive management by an interactive computer service provider by agreement or otherwise.

(4) "Interactive computer service provider" means an entity that provides a service that provides or enables computer access via the Internet by multiple users to a computer server or similar device used for the storage of graphics, video, or images.

(b) An investigative or law enforcement officer who receives information that an item of alleged child pornography resides on a server or other storage device controlled or owned by an interactive computer service provider shall:

(1) contact the interactive computer service provider that controls or owns the server or other storage device where the item of alleged child pornography is located;

(2) inform the interactive computer service provider of the provisions of this section; and

(3) request that the interactive computer service provider voluntarily comply with this section and remove the item of alleged child pornography from its server or other storage device, if practicable, within 5 business days.

(c) (1) If the interactive computer service provider does not voluntarily remove the item of alleged child pornography within the time period established in subsection (b) of this section, the investigative or law enforcement officer shall apply for a court order of authorization to remove the item of alleged child pornography in accordance with Title 10, Subtitle 4 of the Courts Article.

(2) The application for a court order shall:

(i) identify the item of alleged child pornography discovered on the server or other storage device controlled or owned by an interactive computer service provider;

(ii) provide its location on the server or other storage device in the form of an Internet protocol (IP) address or uniform resource locator (URL);

(iii) state the grounds for the issuance of the order;

(iv) verify that the item of alleged child pornography resides on the server or other storage device controlled or owned by the interactive computer service provider;

(v) describe the steps taken to obtain voluntary compliance of the interactive computer service provider with this section;

(vi) inform the interactive computer service provider of its right to request a hearing on the application; and

(vii) state the name and title of the affiant.

(3) The investigative or law enforcement officer shall serve the application on the interactive computer service provider.

(4) The interactive computer service provider has the right to request a hearing before the court imposes any penalty under this section.

(d) The court shall review the application and testimony, if offered, and, upon a finding of probable cause, issue an order that:

(1) an item of child pornography resides on a server or other storage device controlled or owned by the interactive computer service provider or is accessible to persons located in the State;

(2) there is probable cause to believe that the item violates § 11-207 or § 11-208 of this subtitle;

(3) the interactive computer service provider shall remove the item residing on a server or other storage device controlled or owned by the interactive computer service provider within 5 business days after receiving the order, if practicable;

(4) failure of the interactive computer service provider to comply with the court's order is a violation of this section;

(5) the removal of the item on the server or other storage device controlled or owned by the interactive computer service provider may not unreasonably interfere with a request by a law enforcement agency to preserve records or other evidence;

(6) the process of removal shall be conducted in a manner that prevents the removal of images, information, or data not otherwise subject to removal under this section; and

(7) provides the interactive computer service provider notice and opportunity for a hearing before the court imposes any penalty under this section.

(e) (1) The Office of the State's Attorney shall serve the court's order on the interactive computer service provider.

(2) The order shall be accompanied by:

(i) the application made under subsection (c) of this section;

(ii) notification requiring the interactive computer service provider to remove the item residing on a server or other storage device controlled or owned by the interactive computer service provider, if practicable, within 5 business days after receiving the order;

(iii) notification of the criminal penalties for failure to remove the item of child pornography;

(iv) notification of the right to appeal the court's order; and

(v) contact information for the Office of the State's Attorney.

(f) An interactive computer service provider who is served with a court order under subsection (e) of this section shall remove the item of child pornography that is the subject of the order within 5 business days after receiving the court order, if practicable.

(g) (1) An interactive computer service provider may petition the court for relief for cause from an order issued under subsection (d) of this section.

(2) The petition may be based on considerations of:

(i) the cost or technical feasibility of compliance with the order; or

(ii) the inability of the interactive computer service provider to comply with the order without also removing data, images, or information that are not subject to this section.

(h) (1) (i) Subject to subparagraph (ii) of this paragraph, an interactive computer service provider shall report the location of an item of child pornography to the State Police if the item of child pornography:

1. resides on a server or other storage device that is:

A. controlled or owned by the interactive computer service provider; and

B. located in the State; or

2. based on information apparent to the provider at the time of the report or discovery of an item of child pornography, pertains to a subscriber or user of the interactive computer service who resides in the State.

(ii) Subparagraph (i) of this paragraph does not apply to an interactive computer service provider if:

1. federal law expressly provides for or permits the referral of a report of an item of child pornography to a state or local law enforcement agency; and

2. the interactive computer service provider complies with the federal law.

(2) An interactive computer service provider who knowingly and willfully fails to report the information required under paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $5,000;

(ii) for a second violation, a fine not exceeding $20,000; and

(iii) for each subsequent violation, a fine not exceeding $30,000.

(i) An interactive computer service provider who willfully violates subsection (f) of this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, a fine not exceeding $5,000;

(2) for a second violation, a fine not exceeding $20,000; and

(3) for each subsequent violation, a fine not exceeding $30,000.

(j) An interactive computer service provider who willfully violates subsection (f) or (h) of this section may be prosecuted, indicted, tried, and convicted in any county in or through which:

(1) the interactive computer service provider provides access to the Internet;

(2) any communication from the interactive computer service provider traveled; or

(3) the communication from the interactive computer service provider originated or terminated.

(k) (1) This section does not impose a duty on an interactive computer service provider actively to monitor its service or affirmatively to seek evidence of an item of child pornography on its service.

(2) This section does not apply to the interactive computer service provider's transmission or routing of, or intermediate temporary storage or caching of, an image, information, or data that otherwise is subject to this section.

(l) An interactive computer service provider may not be held liable for any action taken in good faith to comply with this section.

§11–209.

(a) A person may not hire, employ, or use an individual, if the person knows, or possesses facts under which the person should reasonably know, that the individual is a minor, to do or assist in doing an act described in § 11-203 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§11–210.

(a) (1) A person having a bona fide scientific, educational, governmental, artistic, news, or other similar justification for possessing or distributing prohibited matter is not subject to the prohibitions and penalties imposed by this subtitle.

(2) A distribution made in accordance with a bona fide scientific, educational, governmental, artistic, news, or other similar justification is not subject to the prohibitions and penalties imposed by this subtitle.

(b) A justification is not bona fide under this section if a reasonable person would find that a dominant purpose of the depiction of an individual under the age of 16 years engaging in sexual conduct is to arouse or gratify sexual desire in either the violator, the individual under the age of 16 years, or the viewer.

§11–211.

When the conviction of a person for a violation of this subtitle becomes final, the court may order the destruction of any matter or advertisement that was the basis of the person's conviction and that remains in the possession or under the control of the court, the State, or a law enforcement unit.

§11–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Assignation" means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

(c) "Prostitution" means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.

(d) "Sexual act" has the meaning stated in § 3–301 of this article.

(e) "Sexual contact" has the meaning stated in § 3–301 of this article.

(f) "Sexually explicit performance" means a public or private, live, photographed, recorded, or videotaped act or show in which the performer is wholly or partially nude, and which is intended to sexually arouse or appeal to the prurient interest of patrons or viewers.

(g) "Solicit" means urging, advising, inducing, encouraging, requesting, or commanding another.

(h) "Vaginal intercourse" has the meaning stated in § 3–301 of this article.

§11–302.

A person charged with a crime under this subtitle may also be prosecuted and sentenced for violating any other applicable law.

§11–303.

(a) A person may not knowingly:

(1) engage in prostitution or assignation by any means; or

(2) occupy a building, structure, or conveyance for prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another in violation of Title 3, Subtitle 11 of this article or the prohibition against human trafficking under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

§11–304.

(a) A person may not receive or acquire money or proceeds from the earnings of a person engaged in prostitution with the intent to:

(1) promote a crime under this subtitle;

(2) profit from a crime under this subtitle; or

(3) conceal or disguise the nature, location, source, ownership, or control of money or proceeds of a crime under this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

§11–305.

(a) For the purpose of committing a crime under Title 3, Subtitle 3 of this article, a person may not:

(1) persuade or entice or aid in the persuasion or enticement of an individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian; and

(2) knowingly secrete or harbor or aid in the secreting or harboring of the individual who has been persuaded or enticed in the manner described in item (1) of this subsection.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $5,000 or both.

(c) It is not a defense to prosecution under this section that the person did not know the age of the victim.

§11–306.

(a) A person may not knowingly procure or solicit or offer to procure or solicit prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another in violation of Title 3, Subtitle 11 of this article or the prohibition against human trafficking under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

§11–307.

(a) A person may not knowingly:

(1) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;

(2) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or

(3) keep, set up, maintain, or operate a building, structure, or conveyance for prostitution or assignation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

(c) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another in violation of Title 3, Subtitle 11 of this article or the prohibition against human trafficking under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

§12–101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Candidate" has the meaning stated in § 1-101 of the Election Law Article.

(c) (1) "Credit" means payment by a credit card or promissory note.

(2) "Credit" includes selling or pledging personal property in exchange for cash or tokens.

(d) (1) "Gaming device" means:

(i) a gaming table, except a billiard table, at which a game of chance is played for money or any other thing or consideration of value; or

(ii) a game or device at which money or any other thing or consideration of value is bet, wagered, or gambled.

(2) "Gaming device" includes a paddle wheel, wheel of fortune, chance book, and bingo.

(e) "Gaming event" means:

(1) a bingo game;

(2) a carnival;

(3) a bazaar;

(4) a raffle;

(5) a benefit performance; or

(6) any other event at which a gaming device is operated.

(f) "Organization" includes:

(1) a fraternal, religious, civic, patriotic, educational, or charitable organization;

(2) a volunteer fire company, rescue squad, or auxiliary unit;

(3) a veterans' organization or club;

(4) a bona fide nonprofit organization that is raising money for an exclusively charitable, athletic, or educational purpose; or

(5) any organization that is authorized to conduct a gaming event under Subtitle 1 or 2 of this title or Title 13 of this article.

(g) "Political committee" has the meaning stated in § 1-101 of the Election Law Article.

(h) "Token" means a poker chip, bingo chip, or other device commonly used instead of money in the playing of a gaming device.

§12–102.

(a) A person may not:

(1) make or sell a book or pool on the result of a race, contest, or contingency;

(2) establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied, all or a part of a building, vessel, or place, on land or water, within the State, for the purpose of:

(i) betting, wagering, or gambling; or

(ii) making, selling, or buying books or pools on the result of a race, contest, or contingency; or

(3) receive, become the depository of, record, register, or forward, or propose, agree, or pretend to forward, money or any other thing or consideration of value, to be bet, wagered, or gambled on the result of a race, contest, or contingency.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $5,000 or both.

(c) (1) The provisions of this subsection apply only in Baltimore City.

(2) A person who violates this section may be charged by a citation.

(3) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests in Baltimore City if there is probable cause to believe that the person is committing or has committed a violation of this section.

(4) A citation issued under this subsection shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the violation occurred;

(iv) the fine or term of imprisonment that may be imposed;

(v) a notice stating that prepayment of a fine is not allowed;

(vi) a notice that the court shall promptly send the person charged a summons to appear for trial; and

(vii) the signature of the police officer issuing the citation.

(5) (i) The police officer who issued the citation shall forward to the appropriate court a copy of the citation.

(ii) The court shall promptly schedule the case for trial and summon the defendant to appear.

(iii) Willful failure of the defendant to respond to the summons is contempt of court.

§12–103.

(a) For money or any other thing or consideration of value, a person may not:

(1) bet, wager, or gamble; or

(2) play any other gaming device or fraudulent trick.

(b) (1) A violation of this section is a civil offense punishable by a fine not exceeding:

(i) $500, if the violation involves money or any other thing or consideration of value not exceeding $100; or

(ii) $1,000, if the violation involves money or any other thing or consideration of value that exceeds $100.

(2) Adjudication of a violation under this section:

(i) is not a criminal conviction for any purpose; and

(ii) does not impose any of the civil disabilities that may result from a criminal conviction.

(c) (1) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests if there is probable cause to believe that the person is committing or has committed a violation of this section.

(2) A citation issued under this subsection shall contain:

(i) the name, address, and date of birth of the person charged;

(ii) the statute allegedly violated;

(iii) the date and time that the violation occurred;

(iv) the location at which the violation occurred;

(v) the fine that may be imposed;

(vi) a notice stating that prepayment of the fine is allowed;

(vii) a notice in boldface type that states that the person shall:

1. pay the full amount of the preset fine; or

2. request a trial date at the date, time, and place established by the District Court by writ or trial notice; and

(viii) the signature of the police officer issuing the citation.

(3) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.

(4) (i) The Chief Judge of the District Court shall establish a schedule for the prepayment of a fine.

(ii) Prepayment of a fine shall be considered a plea of guilty to a Code violation.

(5) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(6) A person may request a trial by sending a request for trial to the District Court in the jurisdiction where the citation was issued within 30 days after the issuance of the citation.

(7) If a person does not request a trial or prepay the fine within 30 days after the issuance of the citation, the District Court may impose the maximum fine and costs against the person and find the person guilty of a Code violation for the purposes of this section.

(8) (i) The defendant is liable for the costs of the proceedings in the District Court.

(ii) The court costs in a Code violation case under this section in which costs are imposed are $5.

(d) In any proceeding for a Code violation under this section:

(1) the State has the burden to prove the guilt of the defendant by a preponderance of the evidence;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of a criminal case;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross–examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, and to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(e) (1) The State's Attorney for any county may prosecute a Code violation under this section in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under this section, the State's Attorney may:

(i) enter a nolle prosequi or move to place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

(f) A person issued a citation for a violation of this section who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

§12–104.

(a) A person may not:

(1) keep a gaming device, or all or a part of a building, vessel, or place, on land or water within the State for the purpose of gambling;

(2) own, rent, or occupy all or a part of a building, vessel, or place and knowingly allow a gaming device to be kept in the building, vessel, or place;

(3) lease or rent all or a part of a building, vessel, or place to be used for the purpose of gambling;

(4) deal at a gaming device or in a building, vessel, or place for gambling;

(5) manage a gaming device or a building, vessel, or place for gambling; or

(6) have an interest in a gaming device or the profits of a gaming device.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 1 year or a fine not exceeding $500 or both.

§12–105.

(a) This section:

(1) applies notwithstanding the issuance of a license or permit through or by a county, municipal corporation, or other political subdivision of the State; and

(2) does not authorize an act that is otherwise prohibited by law.

(b) A person may not bet, wager, or gamble or keep, conduct, maintain, or operate a gaming device on:

(1) a vessel or a part of a vessel on water within the State, except as provided in § 6-209 of the Transportation Article; or

(2) all or a part of a building or other structure that is built on or over water within the State, if the building or other structure cannot be entered from the shore of the State by a person on foot.

(c) To conduct, maintain, or operate a gaming device, a person may not establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied:

(1) a vessel on water within the State; or

(2) a building or other structure that is built on or over water within the State, if the building or other structure cannot be entered from the shore of the State by a person on foot.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of not less than $200 and not exceeding $1,000 or both for each violation.

§12–106.

(a) (1) Notwithstanding any other provision of this subtitle, Subtitle 2 of this title, or Title 13 of this article and except as otherwise provided in this subsection, a bona fide charitable organization in this State may conduct a raffle for the exclusive benefit of the charitable organization if the prize awarded is real property:

(i) to which the charitable organization holds title; or

(ii) for which the charitable organization has the ability to convey title.

(2) A charitable organization may not conduct more than two raffles of real property in a calendar year.

(3) The Secretary of State may adopt regulations governing a raffle of real property by a charitable organization under this subsection.

(b) (1) Notwithstanding any other provision of this article and except as otherwise provided in this subsection, a political committee or candidate for public office may conduct a raffle if the prizes awarded are money or merchandise.

(2) (i) The cost of a raffle ticket under this subsection may not exceed $5.

(ii) An individual may not purchase more than $50 worth of tickets.

(3) This subsection does not relieve a political committee or candidate from the reporting and record keeping requirements under the Election Law Article.

(c) Notwithstanding any other provision of this article, a depository institution, as defined in § 1–211 of the Financial Institutions Article, may conduct a savings promotion raffle under § 1–211 of the Financial Institutions Article.

§12–107.

(a) (1) The prohibition in subsection (b) of this section applies notwithstanding a license or permit granted through or by a county, municipal corporation, or other political subdivision of this State.

(2) This section does not apply to:

(i) pari-mutuel betting conducted under the Maryland Horse Racing Act;

(ii) bingo, carnivals, raffles, bazaars, or similar games of entertainment; or

(iii) mechanical or electrical devices, commonly known as slot machines, that are authorized in the State and that require the insertion of a coin or token.

(b) A person may not conduct or operate with pari-mutuel betting, or with any similar form of betting, wagering, or gambling:

(1) the game, contest, or event commonly known as "jai alai"; or

(2) any other game, contest, or event.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than $200 and not exceeding $1,000 for each violation.

§12–108.

(a) An organization that operates a gaming event authorized under this subtitle, Subtitle 2 of this title, or Title 13 of this article may not accept credit from a person to allow that person to play a gaming device at the gaming event.

(b) Subsection (a) of this section does not prohibit an organization from accepting a token instead of money from a person who has paid the organization money for the use of the token.

(c) An organization that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or loss of privileges to conduct a gaming event not exceeding 60 days or both.

§12–109.

(a) A person may not willfully, knowingly, and unlawfully cause or attempt to cause the prearrangement or predetermination of the results of a horse race.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§12–110.

(a) A person who loses money at a gaming device that is prohibited by this subtitle, Subtitle 2 of this title, or Title 13 of this article:

(1) may recover the money as if it were a common debt; and

(2) is a competent witness to prove the loss.

(b) Notwithstanding subsection (a) of this section, a person may not recover money or any other thing that the person won by betting at a gaming device prohibited by this subtitle, Subtitle 2 of this title, or Title 13 of this article.

§12–111.

If a law enforcement officer has a reason to suspect a gaming device is kept unlawfully at a place, the law enforcement officer shall:

(1) visit the place; and

(2) charge all persons who violate a law that prohibits gambling.

§12–112.

(a) (1) An indictment for violating the prohibition against gaming is sufficient if it states that the defendant kept a gaming device.

(2) The indictment need not state the particular kind of gaming or gaming device involved in the alleged violation.

(b) A defendant, on timely request, may obtain a bill of particulars.

§12–113.

(a) The Office of the Attorney General, the State Lottery and Gaming Control Commission, the Department of State Police, local law enforcement units, and the court shall construe liberally this title relating to gambling and betting to prevent the activities prohibited.

(b) A decision by the State Lottery and Gaming Control Commission shall be the final determination as to whether a gaming device being operated in the State is:

(1) a legal gaming device or device consistent with the provisions of this article; and

(2) being operated in a lawful manner under this article.

(c) If a local law enforcement unit fails to promptly enforce a final determination made under subsection (b) of this section, the State Lottery and Gaming Control Commission shall refer the matter to the Department of State Police for enforcement of the law.

§12–114.

(a) In this section, "eSports competition" means a competition involving video games, including first–person shooters, real–time strategy games, and multiplayer online battle arenas in which:

(1) players compete against each other; and

(2) the dominant element determining the results is the relative skill of the players.

(b) An organization conducting an eSports competition may offer prize money or merchandise to winning participants in the eSports competition.

(c) The Comptroller may adopt regulations to carry out this section.

§12–201.

In this subtitle, "lottery device" means a policy, certificate, or other thing by which a person promises or guarantees that a number, character, ticket, or certificate will, when an event or contingency occurs, entitle the purchaser or holder to receive money, property, or evidence of debt.

§12–202.

(a) Except as provided in subsection (b) of this section, this subtitle applies to all lotteries, including those authorized by any other state or foreign country.

(b) This subtitle does not apply to the State lottery established under Title 9, Subtitle 1 of the State Government Article.

§12–203.

(a) A person may not:

(1) hold a lottery in this State; or

(2) sell a lottery device in the State for a lottery drawn in this State or elsewhere.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be sentenced to imprisonment for not less than 3 months and not exceeding 12 months or a fine of not less than $200 and not exceeding $1,000 or both for each violation.

(c) In addition to the penalty provided under subsection (b) of this section, a person who gives money or any other thing to purchase or obtain a lottery device, for each lottery device purchased or obtained, may recover $50 from:

(1) the person to whom the money or other thing was given; or

(2) any person who aided or abetted that person.

§12–204.

(a) A person may not:

(1) keep a house, office, or other place for the purpose of selling or bartering a lottery device in violation of § 12-203 of this subtitle; or

(2) allow a house or office that the person owns to be used for the purpose of selling or bartering a lottery device in violation of § 12-203 of this subtitle.

(b) A person who knows that the person's house or office is being used for the purpose of selling or bartering a lottery device in violation of § 12-203 of this subtitle is deemed to be allowing the house or office to be used for those purposes.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§12–205.

(a) This section does not apply to a person who possesses:

(1) an item that is prohibited under this section that was obtained to procure or furnish evidence of a violation of this subtitle; or

(2) a lottery ticket or slip issued by this State or another government.

(b) A person may not:

(1) bring a lottery device into the State; or

(2) possess a book, list, slip, or record of:

(i) the numbers drawn in a lottery in this State or another state or country;

(ii) a lottery device; or

(iii) money received or to be received from the sale of a lottery device.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§12–206.

(a) This section does not apply to a lottery conducted by a government.

(b) A person may not print, write, or publish an account of a lottery that describes:

(1) when or where the lottery is to be drawn;

(2) any prize available in the lottery;

(3) the price of a lottery ticket or share of a lottery ticket; or

(4) where a lottery ticket may be obtained.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $100 or both.

§12–207.

(a) A person may not:

(1) insure or receive consideration for insuring for or against the drawing of a lottery ticket or part of a lottery ticket;

(2) receive money, property, or evidence of debt in consideration of an agreement to repay or deliver the money, property, or evidence of debt, if a lottery ticket or a part of a lottery ticket is drawn or not drawn on a particular day or in a particular order;

(3) if contingent on the results of a lottery, and whether or not consideration is paid, promise or agree to:

(i) pay or deliver money, property, or evidence of debt; or

(ii) refuse to do anything for the benefit of another; or

(4) publish a notice of an intent to perform or notice of a proposal to perform items (1) through (3) of this subsection.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment of not less than 3 months and not exceeding 6 months or a fine of not less than $100 and not exceeding $1,000 or both.

§12–208.

A court shall interpret §§ 12-201 through 12-207 of this subtitle liberally to treat as a lottery ticket any ticket, part of a ticket, or lottery device by which money is paid or another item is delivered when, in the nature of a lottery, an event or contingency occurs.

§12–209.

A grant, bargain, or transfer of real estate, goods, a right of action, or personal property is void if it occurs while engaging in, or aiding or assisting in a lottery.

§12–210.

(a) Any recovery of a penalty for a violation of any of the provisions of this subtitle relating to a lottery, whether by indictment or action of debt, or before a justice of the peace before July 5, 1971, or before any court of competent jurisdiction, is considered a first conviction under this section.

(b) A person convicted a second or subsequent time of a violation of any of the provisions of this subtitle relating to a lottery is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

§12–211.

(a) (1) An indictment for violating the prohibition against the drawing of lotteries or the selling of lottery devices is sufficient if it states that the defendant drew a lottery or sold a lottery device.

(2) The indictment need not state the particular kind of lottery scheme involved in the alleged violation.

(b) The defendant, on timely request, is entitled to a bill of particulars.

§12–212.

(a) A person may not directly or indirectly barter, sell, or trade or offer by publication or in any other manner to barter, sell, or trade goods or merchandise, in a package or in bulk, in exchange for a scheme or device constituting a gift enterprise.

(b) A person who violates this section is guilty of a misdemeanor and on conviction shall be sentenced to a fine of not less than $50 for each violation.

§12–301.

In this subtitle:

(1) "slot machine" means a machine, apparatus, or device that:

(i) operates or can be made to operate by inserting, depositing, or placing with another person money, a token, or another object; and

(ii) through the element of chance, the reading of a game of chance, the delivery of a game of chance, or any other outcome unpredictable by the user, awards the user:

1. money, a token, or other object that represents or that can be converted into money; or

2. the right to receive money, a token, or another object that represents and can be converted into money;

(2) "slot machine" includes:

(i) a machine, apparatus, or device described in item (1) of this section that also sells, delivers, or awards merchandise, money, or some other tangible thing of value;

(ii) a pinball machine or console machine that pays off in merchandise; and

(iii) a machine, apparatus, or device described in item (1) of this section, regardless of whether the machine, apparatus, or device delivers a game through the Internet or offers Internet or other services; and

(3) "slot machine" does not include a machine, apparatus, or device that:

(i) awards the user only free additional games or plays;

(ii) awards the user only noncash merchandise or noncash prizes of minimal value;

(iii) dispenses paper pull tab tip jar tickets or paper pull tab instant bingo tickets that must be opened manually by the user provided that the machine, apparatus, or device does not:

1. read the tickets electronically;

2. alert the user to a winning or losing ticket; or

3. tabulate a player's winnings and losses;

(iv) 1. is a handheld device that displays only facsimiles of bingo cards that an individual uses to mark and monitor contemporaneously to a live call of bingo numbers called on the premises by an individual where the user is operating the machine;

2. does not permit a user to play more than 54 bingo cards at the same time;

3. does not randomly generate any numbers; and

4. is not part of an integrated system;

(v) is used by the State Lottery and Gaming Control Commission under Title 9 of the State Government Article;

(vi) if legislation takes effect authorizing the operation of video lottery terminals, is a video lottery terminal as defined in and licensed under that legislation;

(vii) is a skills–based amusement device that awards prizes of minimal value approved by the State Lottery and Gaming Control Commission through regulation; or

(viii) is a skills–based device that awards noncash merchandise and is located at a family entertainment center in Worcester County licensed under § 9–1B–02 of the State Government Article.

§12–301.1.

(a) In this subtitle, "Commission" means the State Lottery and Gaming Control Commission.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection and consistent with the provisions of this title and Title 13 of this article, the Commission shall certify and regulate the operation, ownership, and manufacture of an electronic gaming device authorized under this title.

(2) This section does not apply to:

(i) the ownership or operation of slot machines that are subject to regulation by the Comptroller under § 12–304 of this title; and

(ii) paper tip jar gaming where authorized.

(3) (i) This paragraph applies only in Baltimore City and Baltimore County.

(ii) If a local law enforcement agency refuses to enforce a provision regarding the legal operation of amusement games, the Commission shall refer the matter to the appropriate office of the State's Attorney.

(c) The Commission shall adopt regulations that:

(1) define lawful and unlawful electronic and mechanical equipment used in connection with gaming devices that are consistent with this title;

(2) approve and license electronic gaming devices authorized under State law;

(3) approve and license owners, operators, and manufacturers of electronic gaming devices authorized under State law;

(4) establish procedures for the license application and renewal processes required under this section; and

(5) establish license fees, effective on July 1, 2016, that are sufficient to cover the direct and indirect costs of licensure required under this section.

(d) (1) The Commission may determine:

(i) that a county's licensing and regulatory process for electronic gaming devices is equivalent to the State licensing and regulatory process required under this section; and

(ii) that a county license for owning, operating, or manufacturing an electronic gaming device in that county is equivalent to a State license.

(2) If the Commission does not make a determination under paragraph (1) of this subsection, the regulations and licensing requirements of the Commission shall supersede:

(i) the application of any county fees or regulations and licensing requirements for electronic gaming devices under this subsection; or

(ii) a requirement for a county license for owning, operating, or manufacturing an electronic gaming device under this subsection.

(e) An electronic gaming device that is not licensed or otherwise operated in compliance with the provisions of this section as of January 1, 2013, is an illegal gaming device that may not legally operate in the State.

(f) (1) There is a Maryland Amusement Game Advisory Committee.

(2) The Advisory Committee shall advise the Commission on the conduct and technical aspects of the amusement game industry, including recommendations for the legality of skills–based amusement games.

(3) The Advisory Committee consists of:

(i) the following members appointed by the Governor:

1. two members selected from a list of five names submitted by the Maryland Amusement and Music Operators Association;

2. one member who is a local government official selected from a list of names submitted by the Maryland Association of Counties and the Maryland Municipal League;

3. one member who is a local law enforcement officer; and

4. one citizen representative; and

(ii) the Director of the Commission, or the Director's designee, who shall serve as a nonvoting member of the Advisory Committee.

(4) The Governor shall designate the chair of the Advisory Committee.

(5) The Commission shall provide staff for the Advisory Committee.

(6) A member of the Advisory Committee:

(i) may not receive compensation as a member of the Advisory Committee; but

(ii) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§12–302.

(a) Except as allowed under §§ 12-304 through 12-306 of this subtitle, a person may not locate, possess, keep, or operate a slot machine in the State as an owner, lessor, lessee, licensor, licensee, or in any other capacity.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of $1,000 or both for each violation.

§12–303.

(a) In this section, "antique slot machine" means a slot machine that was manufactured at least 25 years before the date on which the machine is seized.

(b) A person may not be convicted under § 12-302 of this subtitle if the person shows by a preponderance of the evidence that the slot machine:

(1) is an antique slot machine; and

(2) was not operated for gambling purposes while in the person's possession.

(c) If the defense is offered that a seized slot machine is an antique slot machine, the slot machine may not be destroyed or otherwise altered until after a final judicial determination, including review on appeal, that the defense does not apply.

(d) If the defense applies, the person who seized the slot machine shall return the slot machine in accordance with applicable provisions of law for the return of property.

§12–304.

(a) In this section, "eligible organization" means:

(1) a nonprofit organization that:

(i) has been located in a county listed in subsection (b) of this section for at least 5 years before the organization applies for a license under subsection (e) of this section; and

(ii) is a bona fide:

1. fraternal organization;

2. religious organization; or

3. war veterans' organization; or

(2) a nonprofit organization that has been affiliated with a national fraternal organization for less than 5 years and has been located in a county listed in subsection (b) of this section for at least 50 years before the nonprofit organization applies for a license under subsection (e) of this section.

(b) This section applies in:

(1) Caroline County;

(2) Cecil County;

(3) Dorchester County;

(4) Kent County;

(5) Queen Anne's County;

(6) Somerset County;

(7) Talbot County;

(8) Wicomico County; and

(9) Worcester County.

(c) (1) In this subsection, a console or set of affixed slot machines is not an individual slot machine.

(2) Notwithstanding any other provision of this subtitle, an eligible organization may own and operate a slot machine if the eligible organization:

(i) obtains a license under subsection (e) of this section for each slot machine;

(ii) owns each slot machine that the eligible organization operates;

(iii) owns not more than five slot machines;

(iv) locates and operates its slot machines at its principal meeting hall in the county in which the eligible organization is located;

(v) does not locate or operate its slot machines in a private commercial facility;

(vi) uses:

1. at least one–half of the net after payout proceeds from its slot machines for the benefit of a charity; and

2. the remainder of the proceeds from its slot machines to further the purposes of the eligible organization;

(vii) does not use any of the proceeds of the slot machine for the financial benefit of an individual; and

(viii) reports annually under affidavit to the State Comptroller:

1. the income of each slot machine; and

2. the disposition of the income from each slot machine.

(d) An eligible organization may not use or operate a slot machine unless:

(1) the slot machine is equipped with a tamperproof meter or counter that accurately records gross receipts; and

(2) the eligible organization keeps an accurate record of the gross receipts and payoffs of the slot machine.

(e) (1) (i) The State Comptroller shall regulate the operation of slot machines under this section.

(ii) The State Comptroller may adopt regulations to implement the requirements of this section, including requiring audits of the annual reports submitted to the State Comptroller under subsection (c)(2)(viii) of this section.

(2) Before an eligible organization may operate a slot machine under this section, the eligible organization shall obtain a license for the slot machine from the State Comptroller.

(3) (i) The State Comptroller shall:

1. charge an annual fee for each license for a machine; and

2. issue a license sticker to the applicant.

(ii) The applicant shall place the sticker on the slot machine.

(iii) The State Comptroller shall set the amount of the annual fee so that the total proceeds of the annual fee equal an amount directly related to administrative costs of the State Comptroller to regulate the operation of slot machines under this section.

(4) In the application to the State Comptroller for a license, one of the principal officers of the eligible organization shall certify under affidavit that the organization:

(i) is an eligible organization; and

(ii) will comply with this section.

(f) (1) A principal officer of the eligible organization may not intentionally misrepresent a statement of fact on the application.

(2) A person who violates this subsection is guilty of perjury and on conviction is subject to the penalty provided under Title 9, Subtitle 1 of this article.

(g) The Comptroller may not issue a license for a slot machine to an eligible organization located in Ocean City that is located east of South and North Baltimore Avenues.

§12–305.

(a) A person may take delivery of, possess, or transport a slot machine to demonstrate or sell the slot machine to a prospective customer who is allowed to purchase a slot machine if the person:

(1) operates with or under a distributorship contract with a manufacturer of slot machines;

(2) is registered with the United States Department of Justice as a distributor of slot machines; and

(3) has provided the Secretary of State Police with a copy of the person's current federal registration.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of $1,000 or both for each violation.

§12–306.

(a) In this section, "premises" means an improved or unimproved parcel or tract of land that is owned by:

(1) a person; or

(2) persons associated in a joint or common venture.

(b) (1) Except as provided in paragraph (2) of this subsection, in a county or municipal corporation where, before July 1, 1963, county or municipal officials licensed slot machines for operation, a person may not, as an owner, lessor, lessee, licensor, licensee, or in any other capacity, keep or operate a slot machine for any purpose in any place of business or building or on any premises.

(2) Before disposing of a slot machine, the county commissioners or county executive of a county where a slot machine is located may require the slot machine to be:

(i) registered in a manner appropriate to the office of county executive or county commissioners; and

(ii) sealed against use, stored, and kept under the supervision and control of the county commissioners or county executive.

§12–307.

(a) Because of an act of God, or condemnation or abandonment of the primary business by the owner of a business operating on the premises, a person may:

(1) remove a slot machine from any premises on which a slot machine is allowed to operate under law; and

(2) transfer the slot machine to another premises within the same county.

(b) A person who transfers a slot machine from one premises to another may not increase the total number of machines allowed by law.

§12–308.

Notwithstanding any other provisions of this subtitle, an entity licensed to offer instant bingo under a commercial bingo license on July 1, 2007, or by a qualified organization as defined in § 13–201 of this article on the premises of the qualified organization may continue to operate a game of instant bingo in the same manner using electronic machines, provided that:

(1) (i) the machines were in operation for a 1–year period ending December 31, 2007; or

(ii) the machines were in operation under a commercial bingo license on December 31, 2007;

(2) the entity does not operate more than the number of electronic machines in operation on February 28, 2008; and

(3) the conduct of the gaming and operation of the machines are consistent with all other provisions of this article.

§13–101.

(a) Activities conducted under this title are allowed notwithstanding the provisions of Title 12, Subtitles 1 and 2 of this article.

(b) A county may not issue a commercial bingo license under this title or under any public local law to an entity that was not licensed to conduct commercial bingo on or before June 30, 2008.

§13–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Gaming event" means a carnival, bazaar, or raffle.

(c) "Qualified organization" means:

(1) a volunteer fire company; or

(2) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization; or

(v) charitable organization.

§13–202.

Except as otherwise provided in this title, this subtitle applies in the following counties:

(1) Allegany County;

(2) Anne Arundel County;

(3) Baltimore County;

(4) Calvert County;

(5) Caroline County;

(6) Carroll County;

(7) Dorchester County;

(8) Frederick County;

(9) Garrett County;

(10) Howard County;

(11) Prince George's County;

(12) St. Mary's County;

(13) Somerset County;

(14) Talbot County; and

(15) Washington County.

§13–203.

This title and Title 12 of this article do not prohibit a qualified organization from conducting a gaming event for the exclusive benefit of a qualified organization if an individual or group of individuals does not:

(1) benefit financially from the gaming event under this subtitle; or

(2) receive any of the proceeds from the gaming event under this subtitle for personal use or benefit.

§13–204.

A qualified organization may award a prize in money or in merchandise at a gaming event using any gaming device, including:

(1) a paddle wheel;

(2) a wheel of fortune;

(3) a chance book; or

(4) bingo.

§13–205.

A qualified organization that conducts a gaming event under this subtitle shall manage the gaming event personally through its members.

§13–301.

Subtitle 2 of this title applies in Allegany County.

§13–302.

(a) (1) In this section, "paper gaming" means a game of chance in which:

(i) prizes are awarded; and

(ii) the devices used to play the game are constructed out of paper or cardboard.

(2) "Paper gaming" includes tip jar and punchboard gaming.

(3) "Paper gaming" does not include bingo.

(b) This section applies only in Allegany County.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, a person that is a for profit business or qualified organization may engage in paper gaming if the person obtains a paper gaming license that is issued by the Board of County Commissioners.

(2) If the person is a for profit business, the person shall also hold a Class A, C, or D retail alcoholic beverages license.

(3) Qualified organizations that do not have an alcoholic beverages license and fire and rescue departments may engage in paper gaming without obtaining a paper gaming license.

(d) A person may sell paper gaming devices to a paper gaming licensee if the person obtains a wholesale vendor's license issued by the Board of County Commissioners.

(e) The Board of County Commissioners shall set annual fees for a paper gaming license and a wholesale vendor's license.

(f) Monthly, wholesale vendor licensees shall provide a list to the Board of County Commissioners of all customers to whom they sell paper gaming products and the total number of products sold to each customer.

(g) A paper gaming licensee may not have on its premises a paper gaming device that does not display a gaming sticker.

(h) The Board of County Commissioners shall ensure that each retail alcoholic beverages licensee who holds a paper gaming license sells to the public the same serial-numbered paper gaming devices that are listed on the bill of sale from the wholesale vendor licensee.

(i) (1) The Board of County Commissioners may impose the following paper gaming taxes:

(i) on licensees that are qualified organizations, 10% of gross profits minus the costs of paper gaming products; and

(ii) on licensees that are for profit businesses, 40% of gross profits minus the costs of paper gaming products.

(2) The Board of County Commissioners may not impose a paper gaming tax on qualified organizations that do not have an alcoholic beverages license

or fire and rescue departments that buy paper gaming devices from a licensed wholesale vendor.

(j) (1) In this subsection, "Fund" means the Special Gaming Fund.

(2) The Board of County Commissioners may establish a Special Gaming Fund.

(3) The Fund is a special continuing, nonlapsing fund.

(4) The Fund may be used only to benefit fire and rescue departments and to pay for specified school costs.

(5) (i) The Fund consists of:

1. revenue derived from the taxation of gross profits from tip jar sales; and

2. subject to subparagraph (ii) of this paragraph, money received from other sources.

(ii) Money from the General Fund of the State or county, including any federal money, may not be transferred by budget amendment or otherwise to the Fund.

(6) The Fund shall be invested and reinvested in the same manner as other county funds.

(7) Annually the Board of County Commissioners shall:

(i) pay from the Fund all administrative costs of carrying out this section, including the hiring of additional necessary personnel; and

(ii) allocate the remaining money in the Fund as follows:

1. at least 25% but not more than 35% to fire and rescue departments; and

2. the balance to pay for school construction, school supplies, and other nonmaintenance of effort costs.

(k) The Board of County Commissioners may adopt rules and regulations to administer and enforce this section.

(l) The Board of County Commissioners may:

(1) hire one or more inspectors; and

(2) authorize each inspector to enter the premises of a licensee to ensure compliance with this section or a rule or regulation adopted under this section.

(m) The Board of County Commissioners may adopt an ordinance or resolution declaring that a violation of this section or a rule or regulation adopted under this section is:

(1) a civil infraction under Title 11, Subtitle 2 of the Local Government Article; or

(2) a misdemeanor punishable by a term of imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both.

(n) After a hearing, if the Board of County Commissioners or a designee of the Board finds that a paper gaming licensee, a wholesale vendor licensee, or an agent of a licensee has violated this section or a rule or regulation adopted under this section, the Board may suspend or revoke the license in addition to any fine or penalty imposed under subsection (m) of this section.

§13–401.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Casino event" means any event that involves a card game, dice game, or roulette game.

(2) "Casino event" does not include a card game or dice game that is played for tokens for which no cash prize is offered or awarded.

(c) "Gaming event" means a carnival, bazaar, raffle, or other organized gaming event.

§13–402.

(a) This subtitle applies only in Anne Arundel County.

(b) Subtitle 2 of this title applies in Anne Arundel County.

§13–403.

(a) "Qualified member" means a person who:

(1) obtained a membership in an organization in accordance with the charter and bylaws of the organization; and

(2) has been a member for at least 12 months immediately before the gaming event.

(b) A gaming device that is used at a gaming event shall be operated:

(1) by qualified members of the organization or qualified members of other organizations allowed to operate gaming devices under this section; and

(2) without the assistance of professional gaming device operators.

(c) (1) A person may not receive compensation from an organization for managing or operating a gaming device at a gaming event.

(2) Another organization that operates a gaming device under this subtitle may receive compensation from an organization for managing or operating a gaming device at a gaming event.

(d) Each organization conducting a gaming event shall submit to the Department of Inspections and Permits, in a manner determined by the county, a report under oath for each gaming event that provides:

(1) an accounting of all funds received; and

(2) a listing of the names, addresses, ages, and dates of membership of each individual who managed or operated a gaming device at the gaming event, including a statement that the individual is a qualified member of the organization.

(e) This section may not be construed to:

(1) limit or restrict the authority of the county to regulate, license, and designate the type of amusement or gaming devices that may be operated in the county; or

(2) amend or apply to the laws pertaining to raffles in the county under § 13-405 of this subtitle.

§13–404.

Except as provided in § 13–404.1 of this subtitle, a person may not conduct a casino event in the county.

§13–404.1.

(a) In this section, "permit" means a permit to conduct a card game, card tournament, or casino event.

(b) Before an organization may conduct a card game, card tournament, or casino event, the organization shall obtain a permit from the County Department of Inspections and Permits.

(c) To qualify for a permit, an organization shall be:

(1) a nonprofit foundation that provides support to the work and people of Fort George G. Meade; or

(2) a chamber of commerce located within Anne Arundel County.

(d) (1) A card game, card tournament, or casino event may be:

(i) managed and operated by the organization that is the permit holder; or

(ii) managed by the organization that is the permit holder and operated by another organization listed in subsection (c) of this section.

(2) (i) An operator of a card game, card tournament, or casino event may not receive compensation.

(ii) To volunteer as an operator of a card game, card tournament, or casino event, an individual shall be at least 18 years old.

(iii) To participate in a card game, card tournament, or casino event, an individual shall be at least 21 years old.

(e) An organization that is the permit holder may receive not more than one permit in a calendar year.

(f) A permit is not transferable.

(g) Proceeds from a card game, card tournament, or casino event conducted under this section:

(1) shall be used to benefit a charity or to further the purpose of the permit holder; and

(2) may not be used for the financial benefit or personal use of an individual or a group of individuals.

(h) A permit may authorize the operation of a card game, card tournament, or casino event only on Friday or Saturday between 4 p.m. and midnight.

(i) (1) An organization that is the permit holder may charge only a preset entrance fee for a card game, card tournament, or casino event.

(2) Participants in a card game, card tournament, or casino event shall receive tokens for wagering in exchange for the entrance fee.

(3) A participant may purchase additional tokens, at a total cost not exceeding 100% of the entrance fee, during a card game, card tournament, or casino event.

(4) An organization that is the permit holder may not allow cash to be used for wagering.

(5) A holder of a permit may serve or sell alcoholic beverages at a card game, card tournament, or casino event only if the holder is issued the proper alcoholic beverages license by the Board of License Commissioners of Anne Arundel County.

(j) An organization that is the permit holder may not exchange tokens used for wagering for:

(1) an item of merchandise that is worth more than $500;

(2) money; or

(3) an item of merchandise having a value that is different from the fair market retail value of the item of merchandise that was received for the tokens.

(k) An organization that is found to have violated this section is ineligible to receive a permit under this section for a period of 5 years.

(l) The County Executive may adopt regulations to carry out this section, including regulations to govern:

(1) the issuing of permits; and

(2) the conduct and management of a card game, card tournament, or casino event in a manner to prevent fraud and protect the public.

(m) The County Council may adopt regulations to govern permit fees under this section.

§13–405.

(a) A bona fide fraternal, civic, war veterans', or charitable organization, or a volunteer fire company may conduct a raffle in the county for the benefit of charity if:

(1) the raffle is conducted to further the purposes of the organization; and

(2) no individual or group of individuals financially benefits from the holding of the raffle or receives any of the proceeds from the raffle for personal use.

(b) Prizes may be awarded by the use of paddle wheels, wheels of fortune, or chance books.

§13–406.

(a) Notwithstanding any other provision of this article, a political committee, as defined in § 1-101 of the Election Law Article, may conduct a fundraiser at which prizes of merchandise or money are awarded in a game or spin using a paddle wheel or wheel of fortune.

(b) A political committee may award a merchandise or money prize under this section that does not exceed the amount otherwise allowed for a prize in the county.

§13–407.

(a) In this section, "bingo" includes the game of instant bingo.

(b) A bona fide religious, fraternal, or charitable organization, or a volunteer fire company operating in a community that does not have a paid fire department, may conduct bingo in the county:

(1) for the benefit of charity in the county; or

(2) to further the purposes of the organization.

§13–408.

(a) A person may not knowingly operate or attempt to operate a gaming event in the county in violation of § 13–403, § 13–404, or § 13–404.1 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§13–501.

(a) In this subtitle the following words have the meanings indicated.

(b) "Commissioner" means the Baltimore City Police Commissioner.

(c) "Gaming event" means a carnival, bazaar, or raffle.

(d) "Raffle" means one or more drawings from a single series of chances sold from chance books.

§13–502.

This subtitle applies only in Baltimore City.

§13–503.

(a) Before an organization listed in subsection (b) of this section may operate a gaming event, the organization shall obtain a permit from the commissioner.

(b) (1) An organization that meets the conditions of paragraph (2) of this subsection may conduct a gaming event for the benefit of any of the following listed organizations if the organization is a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) veterans' hospital;

(v) amateur athletic organization in which all playing members are under the age of 18 years; or

(vi) charitable organization.

(2) An organization conducting a gaming event shall:

(i) be located in Baltimore City; and

(ii) spend a majority of the organization's funds in Baltimore City for:

1. fraternal purposes;

2. civic purposes;

3. purposes related to a veterans' hospital;

4. purposes related to amateur athletics; or

5. charitable purposes.

(c) (1) Before the commissioner may issue a permit, the commissioner shall review the character of the organization applying for the permit to ascertain that the organization meets the requirements of §§ 13-503 through 13-505 of this subtitle.

(2) The commissioner shall make any application for a permit and the action taken by the commissioner on that application a matter of public record.

(d) (1) The permit shall state that the gaming event shall be managed and operated personally only by members of the organization obtaining the permit.

(2) The permit is not transferable.

(e) An organization conducting a gaming event in Baltimore City may not allow an individual or group of individuals to:

(1) benefit financially from the gaming event; or

(2) receive any of the proceeds of the gaming event for personal use or benefit.

§13–504.

An organization conducting a gaming event may award a prize of money or merchandise to any individual in any amount in one game or spin using:

(1) a paddle wheel or wheel of fortune; or

(2) a film of a horse race.

§13–505.

(a) A permit holder may award prizes in merchandise and money in a raffle in any amount.

(b) A permit holder may not conduct more than 12 raffles in a calendar year.

§13–506.

(a) Notwithstanding any other provisions of this title or Title 12 of this article, a political committee as defined in § 1-101 of the Election Law Article may conduct a fundraiser at which prizes of merchandise or money are awarded in a game or spin using a paddle wheel or wheel of fortune.

(b) A political committee may award a prize of merchandise or money at a fundraiser that does not exceed the amount otherwise allowed for a prize in Baltimore City.

§13–507.

(a) This section and § 13-509 of this subtitle also apply to games of instant bingo.

(b) Before an organization listed in subsection (c) or (d) of this section may conduct bingo in Baltimore City, the organization shall obtain a permit to do so from the commissioner.

(c) An organization that meets the conditions of subsection (i)(1) of this section may conduct bingo in Baltimore City if the organization is a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) patriotic organization;

(4) educational organization; or

(5) charitable organization.

(d) An organization that meets the conditions of subsection (i)(2) of this section may conduct bingo in Baltimore City if the organization is:

(1) devoted exclusively to religious, charitable, or educational purposes;

(2) a service organization;

(3) a fraternal organization; or

(4) a veterans' organization.

(e) (1) Before the commissioner may issue a permit, the commissioner shall review the character of the organization applying for the permit to ascertain that the organization meets the requirements of this section.

(2) The organization applying for the permit shall pay the permit fee set in subsection (g) of this section.

(3) An application for a permit and the action taken by the commissioner on that application are public records.

(f) The commissioner may issue a permit for:

(1) 1 day; or

(2) a period exceeding 1 day and not exceeding 12 months.

(g) Except as allowed under subsection (h)(1) of this section, the commissioner shall collect from each permit holder, to cover the costs of administering the Baltimore City bingo laws, a permit fee not exceeding:

(1) $10 for each day on which bingo may be conducted;

(2) $750 for a 3-month period; or

(3) $3,000 for a 12-month period.

(h) (1) The commissioner may collect a special annual permit fee of $5 for a nonprofit organization or nonprofit corporation to conduct, over 1 year, a number of bingo games for which, for each game:

(i) the value of any prize of merchandise or money is not more than $5; and

(ii) not more than 100 individuals play.

(2) The commissioner may revoke a special annual permit for cause.

(i) (1) An organization conducting bingo in Baltimore City under subsection (c) of this section:

(i) except as provided in subsection (d) of this section, may not offer or award, in any game:

1. a money prize of more than $45; or

2. a prize of merchandise worth more than $45; and

(ii) after reimbursing any costs incurred in conducting bingo for personnel, supplies, equipment, and other expenses, shall use the entire proceeds for:

1. charitable purposes; or

2. to further the purposes of an organization listed in subsection (c) of this section.

(2) An organization conducting bingo in Baltimore City under subsection (d) of this section:

(i) may not use the net proceeds to benefit a stockholder or member of the organization;

(ii) after reimbursing any costs incurred in conducting bingo for personnel, supplies, equipment, and other expenses, shall use the net proceeds:

1. solely for charitable purposes; or

2. to further the purposes of an organization listed in subsection (d) of this section; and

(iii) shall limit prizes of money or merchandise to a value not exceeding:

1. $5,000 for the total of all prizes;

2. $75 for the total of all door prizes;

3. $45 for each of not more than five early bird games;

4. $75 for each of not more than 19 regular games;

5. $150 for the starting prize of one regular game with a jackpot, with nightly increases not exceeding $75 and a consolation prize not exceeding $75;

6. $150 for each of not more than four regular special games;

7. 50% of the proceeds for each of not more than four split-the-pot games;

8. 100% of the proceeds for not more than one winner-take-all game;

9. $3,000 for a jackpot game which starts at 50 numbers and adds one number every second night;

10. if the jackpot is not won, $375 for a consolation prize for any jackpot game;

11. $300 for the first jackpot game in a buildup jackpot game which starts at $300 and 50 numbers and adds one number and $75 each night; and

12. if the jackpot is not won, $225 for the consolation prize for any buildup jackpot game.

(3) A bingo permit holder issued a permit under either subsection (c) or (d) of this section may not conduct bingo:

(i) in a restaurant or tavern where alcoholic beverages are sold;

(ii) in a permanent place of amusement or entertainment; or

(iii) on Sunday, except by a bona fide religious organization that conducts bingo on property owned or leased by the organization.

§13–508.

Notwithstanding § 13-507 of this subtitle, an organization may conduct bingo if:

(1) the membership of the organization consists only of individuals who are at least 60 years old;

(2) the organization was formed primarily for social purposes;

(3) all proceeds of the games of bingo are used only to further the purposes of the organization; and

(4) the organization complies with the permit procedures and conditions imposed under § 13-507 of this subtitle.

§13–509.

The commissioner may adopt regulations reasonably necessary to administer § 13-507 of this subtitle.

§13–510.

(a) A person may not knowingly conduct or attempt to conduct a bazaar or raffle in violation of §§ 13-503 through 13-505 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§13–601.

In this subtitle, "gaming event" means a carnival, bazaar, or raffle.

§13–602.

(a) This subtitle applies only in Baltimore County.

(b) Subtitle 2 of this title applies in Baltimore County to:

(1) except as provided in § 13-606 of this subtitle, bingo;

(2) instant bingo;

(3) a bona fide amateur athletic organization in which all playing members are under the age of 18 years;

(4) a bona fide veterans' hospital; and

(5) a bona fide veterans' organization.

§13–603.

(a) Before an organization listed in subsection (b) of this section may operate a gaming event or casino event, the organization shall obtain a permit from the Department of Permits and Development Management.

(b) (1) An organization that meets the conditions of paragraph (2) of this subsection may conduct a gaming event or casino event if the organization is a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization, including:

1. a hunting organization;

2. a social organization; or

3. a sporting organization;

(iv) volunteer fire organization;

(v) veterans' organization;

(vi) veterans' hospital;

(vii) amateur athletic organization; or

(viii) charitable organization.

(2) An organization that conducts a gaming event or casino event under this section shall spend a majority of the net proceeds from the gaming event or casino event for the following in the county:

(i) purposes that benefit religious purposes;

(ii) fraternal purposes;

(iii) civic purposes;

(iv) volunteer fire operations;

(v) purposes that benefit veterans;

(vi) purposes that benefit a veterans' hospital;

(vii) purposes related to amateur athletics; or

(viii) charitable purposes.

(c) (1) A permit to conduct a gaming event or casino event shall provide that only the members of the permit holder may manage the gaming event or casino event.

(2) A permit is not transferable.

(d) (1) An organization that obtains a permit may award a prize of money or merchandise using:

(i) a paddle wheel;

(ii) a wheel of fortune;

(iii) a chance book;

(iv) bingo; or

(v) any other gaming device except:

1. a card game;

2. a dice game; or

3. roulette.

(2) Except as provided in § 13-604 of this subtitle, a person may not:

(i) operate a card game, a dice game, or roulette; or

(ii) conduct a casino event.

(3) An organization that obtains a permit shall ensure that:

(i) an individual or group of individuals does not benefit financially from the holding of the gaming event;

(ii) an individual or group of individuals does not receive any of the proceeds of the gaming event for personal use or benefit; and

(iii) the gaming event is managed personally by the members of the permit holder.

§13–604.

(a) Subject to subsections (b) and (c) of this section, an organization may conduct:

(1) one casino event that includes a card game during each calendar month; and

(2) one casino event that includes roulette during each calendar year.

(b) To conduct a casino event under subsection (a) of this section, an organization shall be a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) civic organization, including:

(i) a hunting organization;

(ii) a social organization; or

(iii) a sporting organization;

(4) volunteer fire company;

(5) war veterans' organization; or

(6) charitable organization.

(c) (1) A permit holder for a casino event that includes a card game or roulette shall ensure that:

(i) the event is conducted in accordance with § 13-603(d)(3) of this subtitle;

(ii) a parent, subsidiary, or affiliate of the organization sponsoring the event has not sponsored a casino event within the calendar month; and

(iii) the casino event is conducted between 4 p.m. and 1 a.m.

(2) A person that holds a casino event that includes a card game or roulette may not:

(i) offer or award a money prize to a player of the card game or roulette game;

(ii) allow a player to bet more than $10 in any one game within the calendar month;

(iii) exchange tokens used in wagering for an item of merchandise that is worth more than $1,000; or

(iv) exchange merchandise that was received for tokens that were used in wagering for:

1. money; or

2. an item of merchandise having a value that is different from the fair retail market value of the item of merchandise that was received for the tokens.

(3) (i) Within 60 days after holding a casino event that includes a card game or roulette, the holder of the permit for the event shall submit to the Department of Permits and Development Management a financial report that lists the receipts and expenditures for the casino event.

(ii) Before the permit holder submits the report to the Department of Permits and Development Management, the permit holder shall submit the report to the county police department for review.

(d) (1) The Department of Permits and Development Management shall adopt regulations to govern:

(i) the issuing of a permit to conduct a casino event; and

(ii) the conduct and management of a casino event in a manner designed to prevent fraud and protect the public.

(2) The regulations shall require that a separate permit be issued for each casino event to be conducted.

§13–605.

(a) Notwithstanding any other provision of this article, a political committee, as defined in § 1-101 of the Election Law Article, may conduct a fundraiser at which prizes of money or merchandise are awarded in a game or spin using a paddle wheel or wheel of fortune.

(b) A political committee may award a money or merchandise prize under this section if the prize does not exceed the amount otherwise allowed for a prize in the county.

§13–606.

(a) Before an organization may conduct bingo in the county, the organization shall obtain a bingo license from the Department of Permits and Development Management.

(b) An organization may conduct bingo to benefit charity in the county or to further its purposes if the organization is:

(1) a tax-supported volunteer fire company or an auxiliary unit whose members are directly associated with a tax-supported volunteer fire company;

(2) a nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with a nationally chartered veterans' organization;

(3) a bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before applying for a bingo license;

(4) the Maryland State Fair and Agricultural Society;

(5) a bona fide fraternal organization;

(6) a bona fide patriotic organization; or

(7) a bona fide charitable organization that has been located at a fixed location in the county for 3 years before applying for a bingo license.

(c) (1) An applicant for a bingo license shall apply for a license on the application form that the Department of Permits and Development Management provides.

(2) The application shall include:

(i) the name of the applicant;

(ii) the name and address of each officer and director of the applicant;

(iii) a complete statement of the purposes of the applicant;

(iv) a statement of the purpose for which the proceeds of the bingo operation will be used;

(v) an affidavit that an agreement does not exist to divide any part of the proceeds of the bingo operation with any other person that is made by:

1. the president;

2. the treasurer;

3. the chief executive; or

4. a fiscal officer;

(vi) an affidavit that only the applicant or a member of the applicant will receive any of the proceeds of the bingo operation except to further the purposes of the applicant organization; and

(vii) any other information the Department of Permits and Development Management requires.

(d) (1) (i) An annual bingo license issued by the Department of Permits and Development Management authorizes the license holder to conduct bingo at the fixed location stated on the license:

1. at any time during the year for which the license is issued; but

2. not more often than twice each week in the year for which the license is issued.

(ii) An applicant for an annual license shall pay the fee that the Department of Permits and Development Management sets.

(2) (i) A temporary license issued by the Department of Permits and Development Management authorizes the license holder to conduct bingo at the fixed location stated on the license for not more than 10 days in the year for which the license is issued.

(ii) An applicant for a temporary license shall pay the fee that the administrative officer of the county sets.

(3) (i) A 1-day license issued by the Department of Permits and Development Management authorizes the license holder to conduct bingo at a fixed location stated on the license for not more than 1 day in the year for which the license is issued.

(ii) An applicant for a 1-day license shall pay a fee that the administrative officer of the county sets.

(iii) The Department of Permits and Development Management may not grant an applicant more than three 1-day licenses in any calendar year.

(e) (1) The Department of Permits and Development Management may require the holder of a bingo license to produce its financial records for inspection so that the Department may ensure that the license holder and the members of the license holder have complied with subsection (c)(2)(v) and (vi) of this section.

(2) A person may not conduct bingo on Sunday.

(f) The Department of Permits and Development Management shall deposit the fees paid for bingo licenses issued under this section in the county Widows' Pension Fund.

(g) After a public hearing, the Department of Permits and Development Management may revoke the license of a license holder that fails to comply with this section or the regulations that the Department adopts under this section.

(h) The Department of Permits and Development Management may adopt regulations to govern:

(1) the conduct of bingo;

(2) the amounts of the prizes that may be awarded in a game of bingo;

(3) the method of awarding prizes;

(4) the hours that bingo may be conducted; and

(5) any other matters related to the proper conduct of bingo.

(i) (1) (i) A person may not divert or pay any proceeds of bingo conducted under a bingo license to:

1. any other person, except to a member of the license holder; or

2. any other partnership or corporation, except to further the purposes of the license holder.

(ii) A person who is not a member of a license holder may not receive any of the proceeds of bingo conducted under a bingo license except to further the purposes of the license holder.

(iii) A person may not violate a regulation that the Department of Permits and Development Management adopts under subsection (h) of this section.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000 or both.

§13–607.

(a) A person may not knowingly conduct or attempt to conduct a gaming event or casino event in violation of §§ 13-603 through 13-605 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§13–701.

(a) In this subtitle the following words have the meanings indicated.

(b) "Committee" means the Gambling Permit Review Committee appointed by the county commissioners under § 13-704 of this subtitle.

(c) "County commissioners" means the Board of County Commissioners of Calvert County.

(d) "Gaming event" includes a carnival and a bazaar.

§13–702.

(a) This subtitle applies only in Calvert County.

(b) Subtitle 2 of this title applies in Calvert County.

§13–703.

(a) Before an organization may conduct a gaming event, the organization shall obtain a permit from the county commissioners.

(b) An organization may conduct a gaming event in the county if the organization is:

(1) a volunteer fire company; or

(2) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization; or

(v) charitable organization.

(c) (1) The permit shall state:

(i) the nature of any gaming device to be operated at the gaming event; and

(ii) the frequency with which the gaming event will be conducted.

(2) The county commissioners may charge a reasonable fee for a permit.

§13–704.

(a) (1) The county commissioners shall appoint a Gambling Permit Review Committee.

(2) The committee consists of five regular members and two alternate members.

(3) A quorum of the committee consists of:

(i) three regular members; or

(ii) if fewer than three regular members are present at a meeting, enough alternate members designated by the chairperson to act as regular members to create a quorum.

(4) An alternate member of the committee may serve only as provided under paragraph (3) of this subsection.

(b) Subject to the approval of the county commissioners, the committee shall adopt regulations to govern gambling activities and the issuance of permits under § 13-703 of this subtitle.

§13–705.

(a) For purposes of this section, a game of instant bingo conducted under a Class NG beach license is considered to be bingo.

(b) Before a person may conduct bingo in the county, the person shall obtain a license from the county commissioners.

(c) Notwithstanding any other provision of this article, a person who complies with this section may conduct bingo in the county.

(d) (1) (i) The county commissioners may not issue a license unless the application was filed at least 30 days before the date of issuance.

(ii) An applicant for a license shall:

1. file an application on a form that the county commissioners provide; and

2. sign the application under oath.

(iii) The application shall include:

1. the name of the applicant;

2. the address of the applicant;

3. any trade name of the applicant;

4. if the applicant is a partnership, the name and address of each partner;

5. if the applicant is a corporation, the name and address of each officer of the corporation;

6. if a resident agent is required under paragraph (3) of this subsection, the name and address of the applicant's resident agent;

7. the name and address of any person having a financial interest in the operation of the proposed bingo; and

8. the signatures of all of the individuals listed in items 1 through 7 of this subparagraph indicating consent to individual liability for any unlawful operation of licensed bingo.

(iv) 1. The county commissioners may refuse to issue a license based on the facts disclosed on an application.

2. Subparagraph (i) of this paragraph does not require the county commissioners to investigate an applicant's statements on the application before issuing a license.

(2) Each applicant for a license shall present evidence to the county commissioners that the applicant has obtained a public liability insurance policy that:

(i) covers the period covered by the proposed license;

(ii) provides coverage for personal injury to:

1. any bingo patron in an amount not less than $100,000; and

2. more than one bingo patron in an amount not less than $500,000.

(3) (i) Each nonresident applicant for a license shall designate a resident agent.

(ii) A resident agent must be:

1. a voter in the county;

2. a taxpayer of the county; and

3. an owner of property in the county assessed at not less than $25,000.

(e) (1) The county commissioners may issue the following licenses:

(i) a Class NA license, for bingo that does not exceed a seating or player capacity of 750 individuals;

(ii) a Class NB license, for bingo that does not exceed a seating or player capacity of 500 individuals;

(iii) a Class NC license, for bingo that does not exceed a seating or player capacity of 1,000 individuals;

(iv) a Class ND beach license, for bingo that:

1. does not exceed a seating or player capacity of 500 individuals;

2. may be operated within the town limits of North Beach or Chesapeake Beach; and

3. may be operated between May 1 and September 30;

(v) a Class NE beach license, for bingo that:

1. does not exceed a seating or player capacity of 1,000 individuals;

2. may be operated within the town limits of North Beach or Chesapeake Beach; and

3. may be operated between May 1 and September 30;

(vi) a Class NF beach license, for bingo that:

1. does not exceed a seating or player capacity of 500 individuals;

2. may be operated within the town limits of North Beach or Chesapeake Beach; and

3. may be operated throughout the year; or

(vii) a Class NG beach license, for bingo that:

1. does not have a limitation on seating or player capacity;

2. may be operated within the town limits of North Beach or Chesapeake Beach; and

3. may be operated throughout the year.

(2) The county commissioners shall:

(i) retain a copy of each license issued;

(ii) issue a copy of the license to the license holder; and

(iii) forward a copy of the license to the State Comptroller.

(3) A license is not transferable.

(f) The county commissioners shall assess the following annual license fees:

(1) $3,500 for a Class NA license;

(2) $3,000 for a Class NB license;

(3) $4,000 for a Class NC license;

(4) $500 for a Class ND beach license;

(5) $1,000 for a Class NE beach license;

(6) $3,000 for a Class NF beach license; and

(7) $5,000 for a Class NG beach license.

(g) (1) The county commissioners may not issue a license if the conduct of bingo would:

(i) unduly disturb the peace of the neighborhood in which the applicant proposes to conduct bingo;

(ii) create a nuisance; or

(iii) be detrimental to the health or welfare of the community.

(2) (i) The county commissioners may not issue a license to conduct bingo in a building that is not permanent and covered by a roof.

(ii) This paragraph does not apply to a person who is not required to obtain a license to conduct bingo.

(3) (i) The following licenses may not allow the conduct of bingo on Sunday:

1. a Class NA license;

2. a Class NB license; or

3. a Class NC license.

(ii) The following licenses may not allow the conduct of bingo before 1 p.m. on Sunday:

1. a Class ND beach license;

2. a Class NE beach license; or

3. a Class NF beach license.

(iii) A Class NG beach license may not allow the conduct of bingo between 2 a.m. and 1 p.m. on Sunday.

§13–706.

The following organizations are not required to obtain a license under § 13-705 of this subtitle to conduct bingo:

(1) a religious organization;

(2) a patriotic organization;

(3) an educational organization;

(4) a charitable or benevolent organization;

(5) a civic organization;

(6) a volunteer fire company; or

(7) any other organization that is authorized under § 13-703 of this subtitle and Subtitle 2 of this title to conduct bingo in the county.

§13–707.

(a) A license holder may issue as a prize or award to the patron of licensed bingo:

(1) merchandise;

(2) money;

(3) a token or ticket redeemable for money or merchandise; or

(4) any other thing of value.

(b) (1) Except as provided under paragraphs (2) and (3) of this subsection, a license holder may not issue for one game a prize or award with a value exceeding $100.

(2) A holder of a Class NG beach license may issue for one game a prize with a value exceeding $100.

(3) A license holder may issue once each day:

(i) a grand prize not exceeding $1,500; and

(ii) a grand prize not exceeding $3,000 in retail value.

§13–708.

In addition to any other penalty provided by law, the county commissioners may revoke a bingo license forthwith if:

(1) the county commissioners determine after an investigation that:

(i) the license holder made a false statement in the application for the license; or

(ii) the conduct of licensed bingo at the premises named in the license would:

1. disturb the peace of the neighborhood;

2. create a nuisance; or

3. be detrimental to the morals, health, or welfare of the community; or

(2) the license holder is convicted of:

(i) violating §§ 13-705 through 13-707 of this subtitle; or

(ii) a felony.

§13–709.

(a) The county commissioners may adopt regulations to govern:

(1) the conduct or play of bingo;

(2) the issuance of bingo licenses;

(3) the setting of fees for bingo licenses; and

(4) the determination of the election districts and precincts in which bingo may be conducted.

(b) In adopting regulations, the county commissioners shall ensure uniform application as to:

(1) the determination of the districts and precincts in which bingo may be conducted; and

(2) the setting of fees.

§13–801.

Subtitle 2 of this title applies in Caroline County.

§13–901.

(a) In this subtitle the following words have the meanings indicated.

(b) "County commissioners" means the Board of County Commissioners of Carroll County.

(c) "Gaming event" means a carnival, bazaar, raffle, or other game of entertainment.

§13–902.

(a) This subtitle applies only in Carroll County.

(b) Subject to this subtitle, Subtitle 2 of this title applies in Carroll County.

§13–903.

(a) Before an organization may conduct a gaming event, the organization shall obtain a permit from the county commissioners.

(b) To conduct bingo or a gaming event an organization must be a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) civic organization;

(4) war veterans' organization;

(5) hospital;

(6) amateur athletic organization;

(7) charitable organization; or

(8) volunteer fire company.

(c) (1) Before the county commissioners issue a permit, they shall determine whether the organization applying for the permit qualifies under this subtitle and the conditions of this subtitle are met.

(2) An application for a permit and the action taken by the county commissioners on that application are public records.

(d) (1) The permit shall state that the gaming event shall be managed and operated only by members of the organization holding the permit.

(2) A permit is not transferable.

(e) (1) A gaming event conducted under this section shall be conducted for the benefit of an organization listed in subsection (b) of this section.

(2) An individual or group of individuals may not benefit financially, or receive proceeds for personal use or benefit, from a gaming event conducted under this section.

(3) (i) Except as provided in subparagraphs (ii) and (iv) of this paragraph, an organization conducting a gaming event may award a money prize not exceeding $100 or merchandise not exceeding $100 of value to any individual in any one game.

(ii) The maximum amount of a prize awarded in a raffle is governed by § 13–904(c) of this subtitle.

(iii) The maximum amount of a prize awarded in a paddle wheel or wheel of fortune game is governed by § 13–905(a) of this subtitle.

(iv) The maximum amount of a prize awarded in bingo is governed by § 13–908 of this subtitle.

§13–904.

(a) (1) In this section the following words have the meanings indicated.

(2) "Multi-drawing raffle" means a raffle for which the drawings are held on more than 1 day.

(3) "Raffle" means one or more drawings using a single series of chances sold in chance books or similar devices, at which one or more prizes are awarded.

(4) "Single-drawing raffle" means a raffle for which the drawings are held on a single day.

(b) At a gaming event, the holder of a raffle may award a prize of money or merchandise using a chance book.

(c) (1) A single-drawing raffle may have only one major prize.

(2) During a year, an organization listed in § 13-903 of this subtitle may hold not more than:

(i) six single-drawing raffles in which the major prize is worth $2,500 or more; or

(ii) ten single-drawing raffles in which the major prize is worth less than $2,500.

(3) An organization listed in § 13-903 of this subtitle may not hold:

(i) more than 30 weekly drawings in a multi-drawing raffle;

(ii) more than two multi-drawing raffles during a year; or

(iii) a multi-drawing raffle in which the major prize is worth more than $1,100.

§13–905.

(a) (1) Notwithstanding § 13-903 of this subtitle, an organization listed in § 13-903 of this subtitle that operates a paddle wheel or wheel of fortune game at a gaming event may not award a prize to a person in any one game or spin of the wheel of:

(i) money that exceeds $10; or

(ii) merchandise with a value that exceeds $250.

(2) An organization listed in § 13-903 of this subtitle may not hold more than 10 days of paddle-wheel games in a calendar year.

(b) An organization listed in § 13-903 or § 13-907 of this subtitle may award a prize of money or merchandise using a gaming device other than a card game, dice game, or roulette.

§13–905.1.

(a) A senior center site council may conduct billiards in a senior center 5 days per week, excluding Sunday.

(b) A senior center site council may not award a prize of money to a winner exceeding $5 in each session.

(c) (1) A senior center site council may conduct a billiards tournament with a maximum entry fee of $2 for each participant.

(2) Prizes of money may be awarded to first, second, and third place winners from the entry fee money collected.

(3) All money that remains after prizes are awarded shall be distributed to the senior center site council.

§13–906.

(a) Notwithstanding § 13–903 of this subtitle and except as provided in subsection (b) of this section and § 13–906.1 of this subtitle, a person may not conduct a card game, dice game, roulette, or casino event.

(b) (1) A senior center site council may conduct a card game in a senior center 5 days per week, excluding Sunday.

(2) A senior center site council may not:

(i) award a prize of money exceeding $5 to a winner in each session; and

(ii) charge a participant more than $1 to play one session.

(3) All money that remains after prizes are awarded shall be distributed to the senior center site council.

§13–906.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Casino event" includes the play of card games, dice games, and roulette.

(3) "Permit" means a permit to conduct a card game, card tournament, or casino event.

(b) Before an organization may conduct a card game, card tournament, or casino event, the organization shall obtain a permit from the Board of County Commissioners for Carroll County.

(c) To qualify for a permit, an organization shall be a bona fide:

(1) amateur athletic organization;

(2) charitable organization;

(3) civic organization;

(4) fraternal organization;

(5) hospital;

(6) religious organization;

(7) volunteer fire company; or

(8) war veterans' organization.

(d) (1) A card game, card tournament, or casino event may be:

(i) managed and operated by the organization that is the permit holder; or

(ii) managed by the organization that is the permit holder and operated by another organization listed in subsection (c) of this section.

(2) (i) An operator of a card game, card tournament, or casino event may not receive compensation.

(ii) To volunteer as an operator of a card game, card tournament, or casino event, an individual shall be at least 18 years old.

(iii) To participate in a card game, card tournament, or casino event, an individual shall be at least 21 years old.

(e) (1) An organization that is the permit holder may receive not more than four permits in a calendar year.

(2) A card game, card tournament, or casino event may not last longer than 24 consecutive hours.

(f) A permit is not transferable.

(g) (1) Proceeds from a card game, card tournament, or casino event conducted under this section:

(i) shall be used to benefit a charity or to further the purpose of the permit holder; and

(ii) except as provided in paragraph (2) of this subsection, may not be used for the financial benefit or the personal use of an individual or a group of individuals.

(2) On approval of the Board of County Commissioners for Carroll County, proceeds may be used to benefit a family with medical needs.

(h) (1) An organization that is the permit holder may charge only a preset entrance fee for a card game, card tournament, or casino event.

(2) Participants in a card game, card tournament, or casino event shall receive tokens for wagering in exchange for the entrance fee.

(3) A participant may purchase additional tokens, at a total cost not exceeding 100% of the entrance fee, during a card game, card tournament, or casino event.

(4) An organization that is the permit holder may not allow cash to be used for wagering.

(i) An organization that is the permit holder may not exchange tokens used in wagering for:

(1) an item of merchandise that is worth more than $10,000;

(2) money; or

(3) an item of merchandise having a value that is different from the fair market retail value of the item of merchandise that was received for the tokens.

(j) Within 60 days after holding a card game, card tournament, or casino event, the organization that is the permit holder shall submit to the Board of County Commissioners for Carroll County:

(1) a financial report that lists the receipts and expenditures for the card game, card tournament, or casino event; and

(2) the name, address, and Social Security number of a participant that is declared the winner at a card game, card tournament, or casino event of a prize for which issuance of Internal Revenue Service Form W–2G or a substantially equivalent form is required.

(k) In addition to being subject to § 13–909 of this subtitle, an organization that is found to have violated this section is ineligible to receive a permit under this section for a period of 5 years.

(l) The Board of County Commissioners for Carroll County may adopt regulations to carry out this section, including regulations to govern:

(1) the issuing of permits;

(2) permit fees; and

(3) the conduct and management of a card game, card tournament, or casino event in a manner to prevent fraud and protect the public.

§13–907.

(a) Before an organization may conduct bingo under this subtitle, the organization shall obtain a permit from the county commissioners.

(b) (1) In this subsection, "qualified organization" means a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) patriotic organization;

(iv) educational organization;

(v) charitable organization;

(vi) volunteer fire company; or

(vii) senior center site council.

(2) A qualified organization may conduct bingo in the county to benefit charity or to further the purpose of the qualified organization.

(c) (1) A senior center site council may obtain a permit to conduct bingo in a senior center 5 days per week, excluding Sunday.

(2) A senior center site council may not:

(i) award a prize of money to a winner exceeding $50 in each session; or

(ii) charge more than 5 cents for each bingo card.

(3) All money that remains after prizes are awarded shall be distributed to the senior center site council.

(d) (1) An applicant for a permit shall pay the fee that the county commissioners set.

(2) The county commissioners shall set the permit fee at a level sufficient to cover the costs of issuing the permit.

(e) (1) Only the holder of a permit issued under this section may conduct bingo authorized by the permit.

(2) The holder of a permit issued under this section may not transfer or assign the right to conduct bingo to another person.

§13–908.

(a) Except as provided in subsection (b) of this section and § 13-907(c)(2)(i) of this subtitle, a permit holder may not award a money prize greater than:

(1) $100 to a player of a regular bingo game; or

(2) $250 to a player of a special bingo game, such as a build-up or progressive pot game, split-the-pot game, or winner-take-all game.

(b) A permit holder may award a jackpot not exceeding $1,000 if the jackpot is directly connected with the playing of bingo.

§13–909.

(a) A person may not knowingly operate or attempt to operate a gaming event in violation of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§13–1001.

(a) In this subtitle the following terms have the meanings indicated.

(b) "Bingo" includes instant bingo.

(c) "Gaming event" means a carnival, bazaar, raffle, or other game of entertainment.

(d) "Qualified organization" means:

(1) a volunteer fire company; or

(2) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization; or

(v) charitable organization.

§13–1002.

This subtitle applies only in Cecil County.

§13–1003.

A qualified organization may conduct bingo or a gaming event for the exclusive benefit of any qualified organization if an individual or group of individuals does not:

(1) benefit financially; or

(2) receive proceeds of the bingo or gaming event for personal use or benefit.

§13–1004.

A qualified organization may award a prize of money or merchandise at bingo or a gaming event through a paddle wheel, wheel of fortune, chance book, or bingo.

§13–1005.

The bingo or gaming event shall be managed personally by members of the qualified organization conducting the event.

§13–1101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Board" means the Charles County Gaming Permit Review Board.

(c) "County commissioners" means the Board of County Commissioners of Charles County.

(d) "Fundraising organization" means an incorporated or unincorporated bona fide:

(1) religious organization;

(2) fraternal organization;

(3) civic organization;

(4) war veterans' organization;

(5) charitable organization;

(6) volunteer fire company;

(7) rescue squad; or

(8) ambulance company.

(e) (1) "Gaming device" means a mechanism for playing a game of chance.

(2) "Gaming device" includes a paddle wheel, wheel of fortune, and chance book.

(3) "Gaming device" does not include bingo, a slot machine, or other gaming device that is otherwise regulated by State law.

(f) (1) "Gaming event" means an event involving a game of chance.

(2) "Gaming event" includes:

(i) a carnival;

(ii) a bazaar; and

(iii) a raffle involving prizes of cash exceeding $1,000 or merchandise with a cash equivalent exceeding $1,000.

(3) "Gaming event" does not include bingo.

(g) "Gaming permit" means a permit to operate a gaming device at a gaming event that the county commissioners issue under this subtitle.

(h) "Person" includes a joint interest held by two or more persons.

(i) "Representative" means a person who has been a bona fide member of a fundraising organization or educational organization for at least 1 year before the date of a gaming permit application by the fundraising organization or educational organization.

§13–1102.

This subtitle applies to bingo and gaming events in Charles County.

§13–1103.

The county commissioners may:

(1) designate the types of gaming devices that may be operated in the county;

(2) set fees for gaming permits issued under this subtitle;

(3) set salaries and funding for the board and the board's clerk, legal counsel, and support staff;

(4) approve or deny gaming permit applications;

(5) investigate persons involved in gaming events and examine records of fundraising organizations with respect to gaming events;

(6) delegate its powers and duties under this subtitle to the board; and

(7) adopt regulations to carry out this subtitle.

§13–1104.

(a) There is a Charles County Gaming Permit Review Board.

(b) (1) The board consists of seven members.

(2) Of the seven members of the board:

(i) one shall be a member of the county sheriff's office;

(ii) one shall be a member of the Department of State Police;

(iii) one shall be a member of a fundraising organization in the county;

(iv) one shall be an individual with background and experience in finance; and

(v) three shall be members at large.

(3) Each member at large:

(i) shall be a member of the general public;

(ii) may not be a member of a fundraising organization or otherwise be subject to regulation by the board;

(iii) may not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the board; and

(iv) may not, while a member of the board, have a financial interest in or receive compensation from a person regulated by the board.

(4) Each member of the board shall be a resident of the county.

(5) The board shall select a chairperson from among its members, to serve the term that the board sets.

(c) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the board on October 1, 2002.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) The board may recommend to the county commissioners:

(1) the types of gaming devices that may be operated in the county;

(2) approval or denial of a gaming permit; and

(3) modifications of the county gaming regulations and procedures.

(e) The board shall:

(1) review at least quarterly gaming permit applications;

(2) review gaming regulations and permit procedures;

(3) keep a list of all approved lessors of gaming devices and premises for gaming events;

(4) keep a record of the gaming permits that the board has reviewed; and

(5) undertake the other duties regarding gaming regulation that the county commissioners delegate.

(f) As the county commissioners consider appropriate, the county commissioners shall provide for the board a clerk, legal counsel, supplies, and funding.

(g) The county commissioners may pay salaries to the members of the board.

§13–1105.

Except as otherwise provided in this subtitle, a person may not conduct bingo or a gaming event in the county.

§13–1106.

(a) A gaming event may be conducted only by a fundraising organization that has been located in the county for at least 5 years before applying for a gaming permit.

(b) A fundraising organization shall obtain a gaming permit for each gaming event that the fundraising organization conducts.

(c) (1) At least 30 days before the first day of the calendar quarter in which the gaming event is to be conducted, a fundraising organization seeking a gaming permit shall submit to the board an application and the application fee.

(2) The application shall contain the following:

(i) the name of the fundraising organization;

(ii) a statement that the fundraising organization qualifies to conduct a gaming event under this subtitle;

(iii) the dates, times, and location of the gaming event;

(iv) the name, address, and telephone number of the representative responsible for the gaming event;

(v) a roster of the current membership of the fundraising organization that includes names, ages, and addresses;

(vi) a statement that:

1. an agreement does not exist for sharing the proceeds of the gaming event with any other person; and

2. no person other than the fundraising organization or its representative may receive any proceeds of the gaming event except to further the purposes of the fundraising organization; and

(vii) any other information that the board considers necessary or helpful.

(3) A principal officer of the fundraising organization shall sign and verify the application under the penalties of perjury.

(d) The county commissioners may set a reasonable application fee for a gaming permit.

(e) (1) The board shall:

(i) review the gaming permit applications for a calendar quarter within 10 days after the application deadline set in subsection (c)(1) of this section;

(ii) recommend approval or denial of each application; and

(iii) promptly forward the applications and recommendations to the county commissioners.

(2) The county commissioners shall:

(i) review the applications and recommendations;

(ii) approve or disapprove each application within 15 days after the application deadline set in subsection (c)(1) of this section;

(iii) promptly notify each applicant of the county commissioners' action on the application; and

(iv) issue a gaming permit for each approved application.

(3) This section does not prevent the board or the county commissioners from reviewing gaming permit applications more frequently or earlier than required by this subsection.

§13–1107.

The gaming permit shall include:

(1) the name of the fundraising organization;

(2) the nature of the approved gaming event;

(3) the dates, times, and location of the approved gaming event;

(4) the gaming devices to be operated at the gaming event; and

(5) the name of the representative responsible for the approved gaming event.

§13–1108.

(a) (1) A gaming event may be conducted only in accordance with this subtitle.

(2) A gaming device may only be managed or operated by a representative of the fundraising organization named in the gaming permit for the gaming event.

(3) A professional gaming operator may not manage, operate, or assist in the management or operation of a gaming device.

(4) A person may not receive any commission, salary, reward, tip, or other compensation for managing or operating a gaming device at a gaming event.

(5) A minor may not participate in a gaming event.

(6) A fundraising organization may lease gaming devices or premises for a gaming event only from a fundraising organization that the board approves.

(7) (i) A lease agreement of gaming devices or premises for a gaming event shall be priced on the basis of fair market value of the equipment or premises.

(ii) A lease agreement may not include a provision for sharing profit from a gaming event with a lessor or a provision that reasonably may be interpreted to provide for sharing profit from a gaming event.

(8) A fundraising organization may not conduct more than three gaming events during a calendar quarter.

(9) (i) A fundraising organization may not conduct a gaming event under a single gaming permit for a period greater than 48 hours.

(ii) The actual gaming time may not exceed 24 hours in that 48-hour period, which may be divided into not more than two separate gaming periods.

(iii) Notwithstanding subparagraph (i) of this paragraph, a fundraising organization that conducts a gaming event at the Charles County Fair in conjunction with the Charles County Fair Board may conduct the gaming event under a single gaming permit for more than 48 hours, subject to regulations that the county commissioners adopt on recommendation of the board.

(b) (1) A fundraising organization that has conducted a gaming event shall submit a report to the board within 30 days after the end of the calendar quarter in which the gaming event was conducted.

(2) The report shall contain:

(i) the name of the fundraising organization;

(ii) the number of the gaming permit;

(iii) the date of the gaming event;

(iv) the date, amount, nature, source, and recipient of each receipt and expenditure associated with the gaming event, in the format that the board prescribes;

(v) a separate list of the date, amount, and recipient of each charitable donation from the proceeds;

(vi) the name, age, address, and date of membership of each representative who managed, operated, or assisted in the operation or management of a gaming device at the gaming event;

(vii) a statement that each listed representative qualified as a representative under § 13-1101(i) of this subtitle at the time of the gaming event;

(viii) a statement that:

1. an agreement does not exist and has not existed for sharing the proceeds of a gaming event with any other person; and

2. only the fundraising organization or its representative has received or will receive any proceeds of the gaming event, except to further the purposes of the fundraising organization; and

(ix) any other information that the board considers necessary or helpful.

(3) A principal officer of the fundraising organization shall sign and verify the report under the penalties of perjury.

(c) A fundraising organization that conducts a gaming event shall maintain accurate records of each transaction concerning the gaming event, and shall keep the records available for examination by the board and the county commissioners for 3 years after the gaming event.

§13–1109.

(a) A fundraising organization or educational organization may conduct bingo either for the benefit of charity in the county or to further the purposes of the organization.

(b) Subject to subsection (c) of this section, a fundraising organization or educational organization may award money or merchandise as a prize in a bingo game.

(c) (1) A fundraising organization or educational organization may not award a money prize exceeding $5,000 to any player in a bingo game.

(2) A fundraising organization or educational organization may not award more than $10,000 in total money prizes in a single day.

(d) A fundraising organization or educational organization may not conduct bingo at one location for more than 4 hours per day for:

(1) 4 days in a 7-day period; or

(2) 3 consecutive days.

§13–1110.

A fundraising organization or educational organization may only allow its representatives to manage or operate bingo or gaming devices at its bingo or gaming event.

§13–1111.

Proceeds of bingo or a gaming event may not:

(1) benefit a person other than the fundraising organization or educational organization that conducts the bingo or gaming event; or

(2) be shared with a person other than the fundraising organization or educational organization, except to further the purposes of the fundraising organization or educational organization.

§13–1112.

Notwithstanding any other provision of this subtitle, a fundraising organization or educational organization may donate part of the proceeds of bingo or a gaming event at the Charles County Fair to the Charles County Fair Board.

§13–1113.

A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§13–1114.

In addition to any other penalty, a person who violates this subtitle is ineligible to obtain a gaming permit for 3 years after the date of the violation.

§13–1115.

This subtitle does not restrict the authority of the county commissioners to adopt regulations on amusements and entertainments under Chapter 4 of the Code of Public Local Laws of Charles County or other State law.

§13–1201.

In this subtitle, "gaming event" means a carnival, bazaar, or raffle.

§13–1202.

(a) This subtitle applies only in Dorchester County.

(b) Subtitle 2 of this title applies in Dorchester County.

§13–1203.

(a) A person must have a license for each day that the person conducts bingo unless the bingo is conducted in a licensed gaming event.

(b) Notwithstanding any other provision of this subtitle or Subtitle 2 of this title, in addition to bingo conducted in connection with a gaming event under Subtitle 2 of this title, the clerk of the circuit court of the county may issue a license to conduct bingo.

(c) To qualify for a license to conduct bingo, an applicant shall be a:

(1) bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before applying for a license;

(2) tax-supported volunteer fire company or an auxiliary unit whose members are directly associated with the fire company;

(3) nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with the organization; or

(4) nonprofit organization that:

(i) intends to raise money for an exclusively charitable, athletic, or educational purpose that is described in the application for a license; and

(ii) has operated in the county for at least 3 years before applying for a license.

(d) An application for a license to conduct bingo shall contain a certification, by a principal officer of the applicant, stating:

(1) the time and place of the activities for which the license is sought;

(2) that the bingo will be conducted and managed solely and personally by the regular members of the applicant without the assistance of gaming professionals; and

(3) that no compensation or reward will be paid to any person for conducting or assisting in the conducting of the bingo.

§13–1204.

An individual under the age of 16 years may not be allowed to play, conduct, or operate bingo.

§13–1205.

This subtitle does not authorize the use of a slot machine or coin machine for gambling purposes.

§13–1206.

The bailiffs, municipal police officers, prosecuting officials, and other peace officers of the county shall enforce this subtitle.

§13–1207.

(a) The clerk of the circuit court of the county shall collect $5 for a license for a raffle or carnival.

(b) The clerk of the circuit court shall collect $25 from an applicant for an annual bingo license to conduct bingo and $1 for issuance of the license.

(c) (1) Except as provided in paragraph (3) of this subsection, a 1-day bingo license is required for each day a bingo game is conducted.

(2) The clerk of the circuit court of the county shall collect $1 for a 1-day bingo license.

(3) A 1-day bingo license is not required for bingo conducted at a licensed carnival or under an annual bingo license.

§13–1301.

In this subtitle, "gaming event" includes:

(1) a bazaar;

(2) a carnival;

(3) a raffle;

(4) a tip jar; and

(5) a punchboard.

§13–1302.

This subtitle applies only in Frederick County.

§13–1303.

(a) Subtitle 2 of this title applies in Frederick County.

(b) A gaming event under Subtitle 2 of this title is subject to the requirements of this subtitle.

(c) In addition to the qualified organizations listed in Subtitle 2 of this title, the following organizations and their auxiliaries may conduct activities governed by that subtitle:

(1) a volunteer fire company;

(2) a volunteer rescue company; and

(3) a volunteer ambulance company.

(d) Subtitle 2 of this title also regulates any gaming device, including a:

(1) chance book;

(2) tip jar;

(3) paddle wheel; and

(4) wheel of fortune.

§13–1304.

(a) Before an organization listed in subsection (b) of this section may conduct a gaming event, the organization shall obtain a permit from the county agency that the county commissioners designate.

(b) An organization may conduct a gaming event for its own benefit if the organization is:

(1) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization;

(v) hospital;

(vi) amateur athletic organization;

(vii) patriotic organization;

(viii) educational organization; or

(ix) charitable organization;

(2) a Frederick County volunteer:

(i) fire company;

(ii) rescue company; or

(iii) ambulance company; or

(3) an auxiliary for a Frederick County volunteer:

(i) fire company;

(ii) rescue company; or

(iii) ambulance company.

(c) (1) Before the county agency may issue a gaming permit, the county agency shall determine whether the organization applying for the gaming permit meets the requirements of this section.

(2) An application and the action that the county agency takes on the application are public records.

(d) (1) (i) A gaming permit is valid for 1 year after the date that it is issued.

(ii) A gaming permit may not be transferred.

(2) The county commissioners may charge a permit fee.

(e) (1) Only members of an organization that holds a gaming permit may conduct the gaming event.

(2) Except as allowed under § 13–1305 of this subtitle, an individual may not benefit financially from a gaming event.

(3) A gaming permit authorizes a gaming event to be conducted on a Sunday during the hours of sale for the alcoholic beverages sold at the establishment where the gaming event is conducted.

(f) (1) The holder of a gaming permit may award:

(i) prizes to individuals at a gaming event; and

(ii) only one major prize at each gaming event.

(2) During each calendar year, the holder of a gaming event, including a raffle for which the prize drawings are held on a single day, may not hold or receive the proceeds from more than four gaming events in which the major prize has a value of more than $5,000.

(3) During each calendar year, the holder of a gaming event may hold one raffle in which prize drawings are held on more than a single day if the major prize has a value of $5,000 or less.

(4) The county commissioners may regulate the number of permits to conduct a raffle that an organization may receive in 1 calendar year.

(g) The county commissioners may adopt regulations to carry out this section and §§ 13–1305 and 13–1307 of this subtitle.

§13–1304.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Casino event" includes the play of card games, dice games, and roulette.

(3) "Permit" means a permit to conduct a card game, card tournament, or casino event.

(b) Before an organization may conduct a card game, card tournament, or casino event, the organization shall obtain a permit from the County Department of Permits and Inspections.

(c) To qualify for a permit, an organization shall be a bona fide:

(1) amateur athletic organization;

(2) charitable organization;

(3) civic organization;

(4) fraternal organization;

(5) hospital;

(6) religious organization;

(7) volunteer fire company; or

(8) war veterans' organization.

(d) (1) A card game, card tournament, or casino event may be:

(i) managed and operated by the organization that is the permit holder; or

(ii) managed by the organization that is the permit holder and operated by another organization listed in subsection (c) of this section.

(2) (i) An operator of a card game, card tournament, or casino event may not receive compensation.

(ii) To volunteer as an operator of a card game, card tournament, or casino event, an individual shall be at least 18 years old.

(iii) To participate in a card game, card tournament, or casino event, an individual shall be at least 21 years old.

(e) (1) An organization that is the permit holder may receive not more than four permits in a calendar year.

(2) A card game, card tournament, or casino event may not last longer than 24 consecutive hours.

(f) A permit is not transferable.

(g) (1) Proceeds from a card game, card tournament, or casino event conducted under this section:

(i) shall be used to benefit a charity or to further the purpose of the permit holder; and

(ii) except as provided in paragraph (2) of this subsection, may not be used for the financial benefit or personal use of an individual or a group of individuals.

(2) On approval of the County Executive or designee of the County Executive, proceeds may be used to benefit a family with medical needs.

(h) A permit may not authorize the operation of a card game, card tournament, or casino event after 1 a.m. on Sunday.

(i) (1) An organization that is the permit holder may charge only a preset entrance fee for a card game, card tournament, or casino event.

(2) Participants in a card game, card tournament, or casino event shall receive tokens for wagering in exchange for the entrance fee.

(3) A participant may purchase additional tokens, at a total cost not exceeding 100% of the entrance fee, during a card game, card tournament, or casino event.

(4) An organization that is the permit holder may not allow cash to be used for wagering.

(j) An organization that is the permit holder may not exchange tokens used for wagering for:

(1) an item of merchandise that is worth more than $10,000;

(2) money; or

(3) an item of merchandise having a value that is different from the fair market retail value of the item of merchandise that was received for the tokens.

(k) Within 60 days after holding a card game, card tournament, or casino event, the organization that is the permit holder shall submit to the County Department of Permits and Inspections:

(1) a financial report that lists the receipts and expenditures for the card game, card tournament, or casino event; and

(2) the name, address, and Social Security number of a participant that is declared the winner at a card game, card tournament, or casino event of a prize for which the issuance of Internal Revenue Service Form W–2G or a substantially equivalent form is required.

(l) An organization that is found to have violated this section is ineligible to receive a permit under this section for a period of 5 years.

(m) The County Executive may adopt regulations to carry out this section, including regulations to govern:

(1) the issuing of permits; and

(2) the conduct and management of a card game, card tournament, or casino event in a manner to prevent fraud and protect the public.

(n) The County Council may adopt regulations to govern permit fees under this section.

§13–1305.

(a) (1) To operate a tip jar or punchboard in the county, an establishment or proprietor must be licensed to serve food and alcoholic beverages for consumption on the premises.

(2) The operator of a tip jar shall display conspicuously a gaming permit issued to the beneficiary of the tip jar under § 13–1304 of this subtitle.

(3) The operator of a punchboard shall display within the establishment a gaming permit issued to the beneficiary of the punchboard under § 13–1304 of this subtitle.

(b) (1) A person may operate a tip jar or punchboard in the county only for the benefit of one of the following organizations located in the county:

(i) a bona fide:

1. religious organization;

2. fraternal organization;

3. civic organization;

4. war veterans' organization;

5. hospital;

6. amateur athletic organization;

7. patriotic organization;

8. charitable organization; or

9. educational organization;

(ii) a Frederick County volunteer:

1. fire company;

2. rescue company; or

3. ambulance company; or

(iii) an auxiliary of a Frederick County volunteer:

1. fire company;

2. rescue company; or

3. ambulance company.

(2) The beneficiary of a tip jar may not hold more than three permits to operate tip jars or punchboards outside of the beneficiary's premises.

(c) (1) The beneficiary of a tip jar or punchboard must receive at least 70% of the gross proceeds of the tip jar or punchboard after paying winning players and reimbursing the operator for operating expenses.

(2) For each tip jar or punchboard operated, the operator shall submit to the county agency that issued the gaming permit monthly reports detailing:

(i) gross proceeds;

(ii) prizes;

(iii) expenses; and

(iv) the amount paid to the beneficiary.

(d) The tip jar or punchboard shall be purchased from a distributor that:

(1) has an office in the State;

(2) is licensed by the county agency that issues gaming event permits; and

(3) keeps the records that Frederick County requires.

(e) A person who keeps records about tip jars or punchboards shall make those records available for inspection and copying by a law enforcement unit or by the county agency that issues the gaming event permit.

§13–1306.

(a) A person authorized to conduct bingo under this subtitle shall obtain a bingo permit from the county agency that issues a bingo permit.

(b) Any of the following organizations, if a legal resident of the county, may conduct bingo to benefit charity in the county or to further the purposes of one of the following organizations:

(1) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) patriotic organization;

(iv) educational organization;

(v) civic organization;

(vi) war veterans' organization;

(vii) hospital;

(viii) amateur athletic organization; or

(ix) charitable organization;

(2) a volunteer:

(i) fire company;

(ii) rescue company; or

(iii) ambulance company; or

(3) an auxiliary for a volunteer:

(i) fire company;

(ii) rescue company; or

(iii) ambulance company.

(c) (1) A person who is not a legal resident of Frederick County may not conduct bingo.

(2) Notwithstanding paragraph (1) of this subsection, each year the Frederick County Agricultural Association may sell or lease a right or concession to any person to conduct bingo at the Frederick County Fair.

(d) (1) To qualify for a bingo permit, a person shall meet the requirements set by Frederick County.

(2) The county may require an applicant for a bingo permit to pay a permit fee set by the county.

(e) A person who conducts bingo may not offer or award:

(1) a prize or award with a fair market value exceeding $5,000; or

(2) a money prize exceeding $5,000.

(f) Frederick County may adopt regulations to carry out this section.

§13–1307.

(a) A person may not knowingly violate § 13-1304 or § 13-1305 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§13–1401.

(a) In this subtitle the following words have the meanings indicated.

(b) "County Commissioners" means the Board of County Commissioners of Garrett County.

(c) "Gaming event" includes a bazaar, carnival, raffle, tip jar, punchboard, and any other event at which a gaming device is operated.

(d) (1) "Gaming device" means:

(i) except for a billiard table, a gaming table at which a game of chance is played for money or any other thing or consideration of value; or

(ii) a game or device at which money or any other thing or consideration of value is bet, wagered, or gambled.

(2) "Gaming device" includes a paddle wheel, wheel of fortune, and chance book.

§13–1402.

(a) This subtitle applies only in Garrett County.

(b) Subtitle 2 of this title applies in Garrett County.

§13–1403.

(a) Before an organization listed in subsection (b) of this section may conduct a gaming event, the organization shall obtain a permit from the county agency that the County Commissioners designate.

(b) An organization may conduct a gaming event for its own benefit if the organization is:

(1) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization;

(v) hospital;

(vi) amateur athletic organization;

(vii) patriotic organization;

(viii) educational organization; or

(ix) charitable organization;

(2) a county volunteer fire department or rescue squad; or

(3) an auxiliary for a county volunteer fire department or rescue squad.

(c) (1) Before the county agency may issue a gaming permit, the county agency shall determine whether the organization applying for the gaming permit meets the requirements of this section.

(2) An application and the action that the county agency takes on the application are public records.

(d) (1) (i) A gaming permit is valid for 1 year after the date that it is issued.

(ii) A gaming permit may not be transferred.

(2) The County Commissioners may charge a permit fee.

(e) (1) Only members of an organization that holds a gaming permit may conduct a gaming event.

(2) Except as allowed under § 13-1405 of this subtitle, an individual may not benefit financially from a gaming event.

(3) A gaming permit may not authorize a gaming event to be conducted on a Sunday before 1 p.m.

(f) The holder of a gaming permit may award:

(1) prizes to individuals at a gaming event; and

(2) only one major prize at each gaming event.

§13–1404.

(a) (1) In this section, "paper gaming" means a game of chance in which:

(i) prizes are awarded; and

(ii) the devices used to play the game are constructed out of paper or cardboard.

(2) "Paper gaming" includes tip jar and punchboard gaming.

(3) "Paper gaming" does not include bingo.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, a person that is a for profit business or an organization listed under § 13-1403(b) of this subtitle may engage in paper gaming if the person obtains a paper gaming license that is issued by the County Commissioners.

(2) If the person is a for profit business, the person:

(i) shall also hold a Class A, B, C, or D retail alcoholic beverages license; and

(ii) may engage in paper gaming only on the premises of the for profit business.

(3) Subject to paragraph (4) of this subsection, an organization may engage in paper gaming if the organization:

(i) is listed under § 13-1403(b) of this subtitle and does not have an alcoholic beverages license; or

(ii) is a county volunteer fire department or rescue squad and has an alcoholic beverages license.

(4) An organization under paragraph (3) of this subsection may engage in paper gaming only on its premises.

(c) A person may sell paper gaming devices to a paper gaming licensee if the person obtains a wholesale vendor's license issued by the County Commissioners.

(d) The County Commissioners shall set annual fees for a paper gaming license and a wholesale vendor's license.

(e) Not later than the fifteenth of each month, wholesale vendor licensees shall provide to the County Commissioners a list for the previous month of all customers to whom they sold paper gaming products and the total number of products sold to each customer.

(f) A paper gaming licensee may not have on its premises a paper gaming device that does not display a gaming sticker issued by the county.

(g) The County Commissioners shall ensure that each licensee who conducts paper gaming under a paper gaming license sells to the public the same serial-numbered paper gaming devices that are listed on the bill of sale from the wholesale vendor licensee.

(h) The County Commissioners may impose the following paper gaming taxes:

(1) on licensees that are qualified organizations, 10% of gross profits minus the costs of paper gaming products; and

(2) on licensees that are for profit businesses, 40% of gross profits minus the costs of paper gaming products.

(i) (1) In this subsection, "Fund" means the Special Gaming Fund.

(2) The County Commissioners shall establish a Special Gaming Fund.

(3) The Fund is a special continuing, nonlapsing fund.

(4) The Fund shall be used only to benefit fire and rescue services.

(5) (i) The Fund consists of:

1. revenue derived from the taxation of gross profits from tip jar sales; and

2. subject to subparagraph (ii) of this paragraph, money received from other sources.

(ii) Money from the General Fund of the State or the county, including any federal money, may not be transferred by budget amendment or otherwise to the Fund.

(6) The Fund shall be invested and reinvested in the same manner as other county funds.

(7) Annually the County Commissioners shall:

(i) pay from the Fund all administrative costs of carrying out this section, including the hiring of additional necessary personnel; and

(ii) allocate the remaining money in the Fund to fire and rescue services.

(j) The County Commissioners may adopt rules and regulations to administer and enforce this section.

(k) The County Commissioners may:

(1) hire or designate one or more inspectors; and

(2) authorize each inspector to enter the premises of a licensee to ensure compliance with this section or a rule or regulation adopted under this section.

(l) The County Commissioners may adopt an ordinance or resolution declaring that:

(1) a violation of this section or a rule or regulation adopted under this section is a misdemeanor punishable by a term of imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both; and

(2) each day that a violation continues is a separate offense.

(m) After a hearing, if the County Commissioners or a designee of the Board finds that a paper gaming licensee, a wholesale vendor licensee, or an agent of a licensee has violated this section or a rule or regulation adopted under this section, the Board may suspend or revoke the license in addition to any fine or penalty imposed under this subsection.

§13–1405.

(a) A person authorized to conduct bingo under subsection (b) of this section shall obtain a bingo permit from the county agency designated by the County Commissioners to issue a bingo permit.

(b) An organization may conduct bingo for its own benefit or to benefit charity in the county if the organization is a legal resident of the county and is:

(1) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization;

(v) hospital;

(vi) amateur athletic organization;

(vii) patriotic organization;

(viii) educational organization; or

(ix) charitable organization;

(2) a county volunteer fire department or rescue squad; or

(3) an auxiliary for a county volunteer fire department or rescue squad.

(c) A person who is not a legal resident of the county may not conduct bingo.

(d) To qualify for a bingo permit, a person shall meet the requirements set by the county.

(e) Only members of an organization listed under subsection (b) of this section may conduct and operate bingo games.

§13–1406.

The County Commissioners may adopt regulations to carry out this subtitle, including age restrictions for participants in any activity involving a gaming event or bingo.

§13–1501.

(a) In this subtitle the following words have the meanings indicated.

(b) "Bingo":

(1) includes instant bingo; but

(2) does not include members-only instant bingo.

(c) "50/50" means a drawing from a finite number of chances in which the proceeds from the sale of chances are split evenly between the winner and the organization conducting the game.

(d) "Gaming event" means bingo, members-only instant bingo, a raffle, or a paddle wheel.

(e) "Members-only instant bingo" means an instant bingo game that is limited to members and guests of an organization listed in § 13-1503(b) of this subtitle.

(f) "Sheriff" means the Sheriff of Harford County.

§13–1502.

(a) This subtitle applies only in Harford County.

(b) This subtitle does not authorize the use of a slot machine or any type of coin machine for gambling purposes.

§13–1503.

(a) Before an organization conducts a gaming event under this subtitle, the organization shall obtain a license from the sheriff.

(b) The following organizations may obtain a license to conduct a gaming event:

(1) a bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before applying for a license;

(2) a State-chartered organization authorized by a nationally chartered veterans organization;

(3) a tax-supported volunteer fire company; or

(4) a nonprofit organization that intends to raise money for an exclusively charitable, athletic, or educational purpose which is specifically described in the application for a license.

(c) An application for a license shall contain a certification by a principal officer of the organization that states:

(1) the scheduled time and place of the gaming event and the date of any raffle drawing;

(2) that the licensed activities will be managed and conducted solely and personally by the regular members of the organization without the assistance of gaming professionals;

(3) that all money prizes offered will comply with the limits listed in this subtitle;

(4) that the organization, by one of its principal officers, shall, within 15 days after the last day named in the application for conducting the licensed activities, file a report under penalties of perjury containing the information required by § 13-1509 of this subtitle; and

(5) if the organization is a nonprofit organization that intends to raise money for an exclusively charitable, athletic, or educational purpose, a specific description of the purpose.

(d) The sheriff shall charge the following license fees:

(1) $5 for a bingo license;

(2) $10 for a paddle wheel license;

(3) $10 for a raffle license;

(4) $10 for a 50/50 license; and

(5) $15 for a members–only instant bingo license.

(e) An activity for which a license is issued under this subtitle must be conducted and managed solely and personally by regular members of the organization:

(1) who do not regularly conduct gaming activities for any other organization; and

(2) without the assistance of gaming professionals.

§13–1504.

(a) (1) The sheriff may not issue to a single organization in 1 calendar year more than 52 bingo licenses.

(2) Except as provided in paragraph (3) of this subsection, not more than one bingo license may be issued to a single organization in a single calendar week.

(3) A license to conduct bingo is valid:

(i) for 24 consecutive hours; or

(ii) if the license is issued for use in conjunction with and at a carnival, during carnival hours, and for the shorter of the duration of the carnival or 14 consecutive days.

(b) A money prize for a bingo game may not exceed:

(1) $500; or

(2) $1,000 for a jackpot.

(c) An instant bingo game may be sold and played only at the location listed on the license.

(d) A minor may not sell or play instant bingo.

(e) A license to operate a paddle wheel shall also operate as a license to conduct bingo, if authorized by the sheriff on request.

§13–1505.

(a) A members-only instant bingo license is valid for 3 months.

(b) The sheriff may not issue to a single organization in 1 calendar year more than four licenses for members-only instant bingo.

(c) A money prize for a members–only instant bingo game may not exceed $500.

(d) A members-only instant bingo game may be sold and played only at the location listed on the license.

§13–1506.

(a) (1) The sheriff may not issue to a single organization in 1 calendar year more than 12 raffle licenses, no more than one of which may be for a raffle with a money prize exceeding $1,000.

(2) All raffle drawings shall be conducted in 1 calendar day.

(3) A raffle license is valid until all raffles are drawn.

(4) A raffle license shall state the day for the drawing or drawings.

(b) A money prize for a raffle may not exceed:

(1) $10,000 if the sponsoring organization has not held a raffle for a money prize exceeding $1,000 in the current calendar year; or

(2) $1,000 if the sponsoring organization has held a raffle for a money prize exceeding $1,000 in the current calendar year.

(c) An organization that intends to conduct a raffle for a money prize exceeding $1,000 shall:

(1) post a bond in the amount of the money prize; or

(2) obtain an irrevocable letter of credit from a bank in the amount of the money prize.

§13–1507.

(a) (1) The sheriff may not issue to a single organization in 1 calendar year more than 12 licenses for paddle wheels.

(2) Except as provided in paragraph (3) of this subsection, not more than one paddle wheel license or bingo license may be issued to a single organization in a single calendar week.

(3) A license to operate paddle wheels is valid:

(i) for 24 consecutive hours; or

(ii) if the license is issued for use in conjunction with and at a carnival, during carnival hours, and for the shorter of the duration of the carnival or 14 consecutive days.

(b) A money prize for a paddle wheel game may not exceed $10.

(c) A license to operate a paddle wheel shall also operate as a license to conduct bingo, if authorized by the sheriff on request.

§13–1508.

(a) An organization listed in § 13–1503(b) of this subtitle may conduct a game of 50/50:

(1) without a 50/50 license, at a meeting of the organization; or

(2) with a 50/50 license, at an event other than a meeting of the organization.

(b) A money prize for a game of 50/50 may not exceed $500.

(c) A minor may not participate in a game of 50/50.

§13–1508.1.

(a) Notwithstanding any other provision of this article, a political committee, as defined in § 1–101 of the Election Law Article, may conduct a fundraiser at which prizes of money or merchandise are awarded in a gaming event or 50/50.

(b) A political committee may award a money or merchandise prize under this section if the prize does not exceed the amount otherwise allowed for a prize in the county.

§13–1509.

Within 15 days after the last day of licensed activity named in the license application, one of the principal officers of the organization shall file a report under the penalties of perjury certifying:

(1) that the activities authorized by the license were conducted at the time and place stated in the application solely by the regular members of the organization without the assistance of gaming professionals, and that the members conducting the activities do not regularly conduct gaming activities for any other organization;

(2) that money prizes were not offered, except as authorized under this subtitle; and

(3) the amount and disposition of the cash proceeds of the activities authorized by the license.

§13–1510.

(a) An organization may not conduct a gaming event unless the organization has acquired the appropriate license.

(b) An organization shall obey the terms of a license.

(c) Each person who signed an application for a license shall obey the terms of the license.

(d) A person shall file the report required under § 13-1509 of this subtitle.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both.

(f) Each day that a gaming event is operated without a license or in violation of any of the terms of the license is a separate violation.

§13–1511.

(a) An organization that fails to file a report required by § 13-1509 of this subtitle is not entitled to a license under this subtitle until the later of:

(1) 1 year after the date the report is due; or

(2) the day the report is filed properly.

(b) An organization that is convicted of violating a gambling law of this State may not be issued a license under this subtitle until 1 month after the date of conviction.

§13–1512.

(a) In this section, "gaming contest" means an event that involves a card game, a dice game, or roulette.

(b) An organization shall be issued a permit from the Sheriff of Harford County before the organization may conduct a gaming contest in Harford County.

(c) An organization is eligible to be issued a permit if the organization qualifies as a nonprofit organization under § 501(c)(3) or (19) of the Internal Revenue Code and has been located in the county for at least 3 years before applying for the permit.

(d) To be issued a permit, an organization shall:

(1) submit an application to the sheriff on a form that the sheriff requires;

(2) state on the application form the purpose for which the proceeds of the gaming contest will be used; and

(3) pay the permit fee that the sheriff determines.

(e) (1) (i) A holder of a permit may not conduct more than four gaming contests in a calendar year.

(ii) A permit is not transferable.

(2) A gaming contest may be held only:

(i) between 4 p.m. and 1 a.m. the following day; and

(ii) in a structure or at a location that is owned, rented, or leased by the holder of the permit.

(3) A separate permit is required for each gaming contest.

(4) (i) Subject to subparagraph (ii) of this paragraph, bingo, instant bingo, a raffle, a paddle wheel, or a 50/50 raffle may be included in the games conducted at a gaming contest.

(ii) A gaming contest may not consist exclusively of a game specified in subparagraph (i) of this paragraph.

(f) (1) An organization that is the permit holder may charge only a preset entrance fee for a gaming contest.

(2) Participants in a gaming contest shall receive tokens for wagering in exchange for the entrance fee.

(3) A participant may purchase additional tokens, at a total cost not exceeding 100% of the entrance fee, during a gaming contest.

(4) An organization that is the permit holder may not allow cash to be used for wagering.

(5) A holder of a permit may serve or sell alcoholic beverages at a gaming contest only if the holder is issued the proper license by the Harford County Liquor Control Board.

(g) An organization that is the permit holder may not exchange tokens used for wagering for:

(1) an item of merchandise that is worth more than $10,000;

(2) money; or

(3) an item of merchandise having a value that is different from the fair market retail value of the item of merchandise that was received for the tokens.

(h) An organization may rent or purchase necessary equipment and supplies to conduct a gaming contest but may not enter into a lease or other agreement to share profits from the gaming contest.

(i) (1) A gaming contest shall be managed and operated personally by members of the organization conducting the gaming contest.

(2) A member of the organization may not receive or be paid any of the proceeds from the gaming contest for personal use or benefit.

(3) A person may not receive a salary, a commission, or compensation of any kind for managing the gaming contest or operating a game played in the gaming contest.

(4) A person other than the holder of the permit may not receive or be paid any proceeds.

(5) To volunteer as an operator of a gaming contest, an individual shall be at least 18 years old.

(6) To participate in a gaming contest, an individual shall be at least 21 years old.

(j) After costs incurred in conducting a gaming contest are deducted, proceeds from a gaming contest shall be used to benefit a charity or to further the purpose of the organization.

(k) (1) Within 30 days after a gaming contest, the holder of the permit shall submit to the sheriff a financial report that lists all of the receipts and expenditures for the gaming contest.

(2) The report shall contain a full accounting of the proceeds and expenses of the gaming contest and the name, address, and Social Security number of a participant that is declared the winner of a gaming contest requiring the issuance of Internal Revenue Service Form W–2G or a substantially equivalent form.

(3) The sheriff or the Office of the Harford County State's Attorney may require the holder of the permit to produce all financial records of the gaming contest.

(4) The holder of the permit shall keep all financial records of the gaming contest for at least 2 years after the gaming contest.

(5) The sheriff may refuse to issue a permit to an applicant who has failed to file a required report from a previous gaming contest or is late in filing federal or State tax returns.

(6) If requested by the sheriff, the holder of the permit shall pay all financial audit costs.

(l) The sheriff shall adopt regulations to carry out this section.

(m) An organization that is found to have violated this section is ineligible to receive a permit under this section for a period of 5 years.

§13–1513.

The sheriff, other peace officers of the county, and municipal police in the county shall enforce this subtitle.

§13–1601.

(a) This subtitle applies only in Howard County.

(b) (1) Except as provided in paragraph (2) of this subsection, Subtitle 2 of this title applies in Howard County.

(2) Subtitle 2 of this title does not apply to bingo regulated under § 13–1602 of this subtitle or a casino event regulated under § 13–1602.1 of this subtitle.

§13–1602.

(a) Any of the following organizations may conduct bingo to benefit charity in the county or to further the purposes of the organization:

(1) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) patriotic organization;

(iv) educational organization; or

(v) charitable organization; or

(2) a volunteer fire company.

(b) A person who is not a legal resident of the county may not conduct bingo in the county, even if the game is for the benefit of an organization listed in subsection (a) of this section.

§13–1602.1.

(a) In this section, "Department" means the Howard County Department of Inspections, Licenses, and Permits.

(b) (1) Before an organization listed in subsection (d) of this section may operate a casino event, the organization shall obtain a permit from the Department.

(2) (i) On the recommendation of the Department, the County Executive shall forward to the County Council a recommendation for the fee to be charged for a permit under this section.

(ii) The County Council shall adopt by resolution the amount of the permit fee.

(c) Subject to subsections (d) and (e) of this section, an organization may conduct:

(1) one casino event that includes a card game during each calendar month; and

(2) one casino event that includes roulette during each calendar year.

(d) To conduct a casino event under subsection (c) of this section, an organization shall be:

(1) a bona fide volunteer fire company; or

(2) a bona fide war veterans' organization.

(e) (1) A permit holder for a casino event that includes a card game or roulette shall ensure that:

(i) an individual or group of individuals does not benefit financially from the holding of the casino event;

(ii) an individual or group of individuals does not receive any of the proceeds of the casino event for personal use or benefit;

(iii) the casino event is managed personally by the members of the permit holder;

(iv) a parent, a subsidiary, or an affiliate of the organization sponsoring the event has not sponsored a casino event within the calendar month or calendar year, as appropriate; and

(v) the casino event is conducted between 4 p.m. and 1 a.m.

(2) (i) An organization that is the permit holder may charge only a preset entrance fee for a casino event.

(ii) Participants in a casino event shall receive tokens for wagering in exchange for the entrance fee.

(iii) A participant may purchase additional tokens, at a total cost not exceeding 100% of the entrance fee, during a casino event.

(iv) An organization that is the permit holder may not allow cash to be used for wagering.

(3) A person that holds a casino event that includes a card game or roulette may not:

(i) offer or award cumulative prizes that have a fair market value in excess of $5,000 at the event;

(ii) allow a player to bet more than $10 in tokens in any one game within the calendar month or calendar year, as appropriate;

(iii) exchange tokens used in wagering for an item of merchandise that is worth more than $1,000; or

(iv) exchange merchandise that was received for tokens that were used in wagering for an item of merchandise having a value that is different from the fair retail market value of the item of merchandise that was received for the tokens.

(4) (i) To volunteer as an operator at a casino event, an individual shall be at least 18 years old.

(ii) To participate in a casino event, an individual shall be at least 21 years old.

(5) (i) Within 60 days after holding a casino event that includes a card game or roulette, the holder of the permit for the event shall submit to the Department:

1. a financial report that lists the receipts and expenditures for the casino event; and

2. the name, address, and Social Security number of a participant that is declared the winner at a casino event of a prize for which the issuance of Internal Revenue Service Form W–2G or a substantially equivalent form is required.

(ii) Before the permit holder submits the report to the Department, the permit holder shall submit the report to the county police department for review.

(f) (1) The Department shall adopt regulations to govern:

(i) the issuance of a permit to conduct a casino event; and

(ii) the conduct and management of a casino event in a manner designed to prevent fraud and to protect the public.

(2) The regulations shall require that a separate permit be issued for each casino event to be conducted.

§13–1603.

A qualified organization under Subtitle 2 of this title may award prizes in money or merchandise using:

(1) a paddle wheel;

(2) a wheel of fortune;

(3) a chance book;

(4) bingo; or

(5) any other gaming device other than:

(i) a card game or roulette, except as provided in § 13–1602.1 of this subtitle; or

(ii) a dice game.

§13–1604.

Notwithstanding Subtitle 2 of this title and except as provided in § 13–1602.1 of this subtitle, a person may not conduct a casino night or operate any of the following gaming devices:

(1) a card game;

(2) a dice game; or

(3) roulette.

§13–1701.

(a) In this subtitle the following words have the meanings indicated.

(b) "County commissioners" means the Board of County Commissioners of Kent County.

(c) "Permit" means:

(1) a multiple gaming device permit issued under § 13-1703 of this subtitle; or

(2) a raffle permit issued under § 13-1704 of this subtitle.

(d) "Raffle" means a lottery in which a prize is won by a person who buys a paper chance.

§13–1702.

(a) This subtitle applies only in Kent County.

(b) This subtitle does not authorize gambling using a slot machine or coin machine.

§13–1703.

(a) The county commissioners may issue a permit to an organization specified in subsection (c) of this section to use two or more of the following gaming devices in conducting a fundraiser at which a prize of merchandise or money may be awarded:

(1) a paddle wheel;

(2) a wheel of fortune;

(3) a chance book;

(4) a card game;

(5) a raffle; or

(6) any other gaming device.

(b) Unless conducted at an event requiring a permit under subsection (a) of this section, a raffle is not a multiple gaming device regulated under this section.

(c) (1) In this subsection, "charity" means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(2) The county commissioners may issue a permit to use multiple gaming devices to:

(i) a bona fide religious organization that has conducted religious services at the same location in the county for at least 3 years before applying for a permit;

(ii) a county-supported or municipally supported volunteer fire company or an auxiliary unit whose members are directly associated with the volunteer fire company or auxiliary unit;

(iii) a nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with the veterans' organization;

(iv) for the purpose of conducting a fundraiser for the benefit of a charity located in the county, a bona fide:

1. fraternal organization;

2. educational organization;

3. civic organization;

4. patriotic organization; or

5. charitable organization; or

(v) a bona fide nonprofit organization that:

1. has operated on a nonprofit basis in the county for at least 3 years before applying for a permit; and

2. intends to use the multiple gaming devices to raise money for an exclusively charitable, athletic, or educational purpose specifically described in the permit application.

(d) Before issuing a permit, the county commissioners shall determine that the organization seeking the permit:

(1) is organized in and serves the residents of the county; and

(2) meets the conditions of this subtitle.

(e) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a permit is valid for one event that does not last longer than 6 hours.

(ii) The county commissioners may issue a permit for an event longer than 6 hours if the permit holder does not seek more than one permit in the same year.

(2) The county commissioners may not approve a permit for gaming events to be held on premises that are licensed under a Class B or Class D alcoholic beverages license.

(3) The county commissioners may not issue more than six permits to an organization in a single year.

(4) The county commissioners may:

(i) charge a fee set by resolution for each permit;

(ii) set the number of permits that may be issued each year; and

(iii) adopt regulations governing permit applications and the issuance of permits.

(f) (1) An organization that is issued a permit shall conduct its fundraiser in a:

(i) structure that the organization owns, leases, or occupies;

(ii) structure that any organization that would qualify for a permit owns, leases, or occupies; or

(iii) public location that is:

1. described in the permit application; and

2. approved by the State's Attorney for the county.

(2) (i) Unless the county commissioners grant a waiver, only a resident of the county may manage and operate a fundraiser for which a permit is issued on behalf of the permit holder.

(ii) Each permit holder shall designate an individual to be responsible for compliance with the terms and conditions of this subtitle and a permit issued under this subtitle.

(iii) A person may not be compensated for operating the gaming activity conducted under a permit.

(g) (1) The permit holder shall use at least one-half of the funds raised using the permit for civic, charitable, or educational purposes.

(2) Within 30 days after a fundraiser, the permit holder shall send to the county commissioners:

(i) an accounting of all funds received or pledged;

(ii) an accounting of all expenses paid or incurred; and

(iii) a statement under oath of the application of the net profits.

(h) The county commissioners may deny a permit for not more than 3 years to an organization that violates this subtitle or regulations adopted under this subtitle.

§13–1704.

(a) The county commissioners may issue a raffle permit to an organization that qualifies for a permit under this subtitle or under regulations that the county commissioners adopt.

(b) The holder of a raffle permit must award the last prize in the raffle within 1 year after the date that the permit for the raffle is issued.

(c) The county commissioners may regulate the number of raffle permits that an organization may be issued in 1 year.

§13–1705.

To benefit charity in the county or to further the purposes of an organization qualified to conduct bingo under this section, an organization may conduct bingo if the organization is a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) war veterans' organization;

(4) charitable organization; or

(5) volunteer fire company operating in a community that does not have a paid fire department.

§13–1706.

(a) A person who violates a provision of §§ 13-1702 through 13-1704 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(b) Each day that a person is in violation under this section is a separate violation.

§13–1801.

(a) In this subtitle the following words have the meanings indicated.

(b) "Breakout ticket" includes instant bingo, Nevada club, lucky seven, and similar games.

(c) (1) "Qualified organization" means a bona fide nonprofit organization qualified under 26 U.S.C. § 501(c)(3), (4), (7), or (10).

(2) "Qualified organization" includes:

(i) a religious organization;

(ii) a volunteer fire company;

(iii) a volunteer rescue squad;

(iv) a fraternal organization;

(v) a patriotic organization;

(vi) an educational organization; and

(vii) a charitable organization.

§13–1802.

This subtitle applies only in Montgomery County.

§13–1803.

(a) (1) A qualified organization may conduct bingo in the county to benefit charity or to further the purpose of the qualified organization.

(2) Bingo shall be conducted only by the qualified organization and not by a person who:

(i) retains a portion of the proceeds from the bingo game; or

(ii) is compensated by the qualified organization for which the bingo is held.

(3) A person may not receive a private profit from the proceeds of bingo.

(4) A qualified organization that conducts bingo shall:

(i) keep accurate records of all transactions that occur on behalf of the bingo game;

(ii) keep the records for 2 years after the bingo game; and

(iii) on request, make the records available for examination by:

1. the State's Attorney for the county;

2. the county sheriff;

3. the county Department of Health and Human Services;

4. the county attorney;

5. the Department of State Police; or

6. a designated officer or agent of any of those units.

(5) A person conducting bingo shall be a resident of the county and a member of the qualified organization.

(6) Alcoholic beverages may not be sold or consumed in the room in which bingo is conducted, either during a game or an intermission between games.

(7) Money prizes not exceeding $1,000 in each game may be awarded in bingo.

(8) The qualified organization may sell breakout tickets in the room in which bingo is conducted, either during a game or an intermission between games.

(b) (1) Notwithstanding any other provision of this subtitle, a person may conduct bingo at the annual Montgomery County Fair for the benefit of the Montgomery County Agricultural Center, Inc.

(2) A person who conducts bingo under this subsection may award only noncash prizes.

(c) Notwithstanding any other provision of this subtitle, in Montgomery County, an individual who is at least 55 years old may conduct a bingo game involving cash prizes if the game:

(1) is conducted not more than once a week in a common area of a residential property that is restricted to residents who are at least 55 years old;

(2) allows a player to compete directly against one or more other players who are residents of the residential property where the game is held;

(3) does not allow an individual or an organization to benefit financially in any way, directly or indirectly, other than from the winnings accrued by participating as a player in the game;

(4) does not involve:

(i) a player's use of an electronic device that connects to the Internet;

(ii) the use of paid public advertising or promotions;

(iii) the charging of a fee for admission, a seat, entertainment, or any other fee; or

(iv) the use of any money, except money used for purchasing bingo cards or food or drink; and

(5) has a limit of $1,000 on the total amount of money, tokens representing money, or any other thing or consideration of value that may be won by all players during any 24–hour period.

§13–1804.

A qualified organization that conducts bingo in the county shall be licensed by the county under this subtitle.

§13–1805.

A qualified organization that conducts bingo in the county shall be located in the county.

§13–1806.

(a) A qualified organization that intends to conduct bingo shall submit a bingo license application on a form that the county provides.

(b) A qualified organization shall disclose the following information on the license application:

(1) the name of the qualified organization, and the names and addresses of its officers and directors;

(2) a complete statement of the purposes and objectives of the qualified organization and the purposes for which the qualified organization will use the proceeds from the bingo;

(3) a statement under oath by the president and treasurer, or the chief executive and fiscal officer, of the qualified organization that:

(i) an agreement does not exist to divert any of the proceeds of the bingo to another person; and

(ii) another person will not receive any of the proceeds of the bingo except to further the purpose of the qualified organization; and

(4) any additional information that the county requires.

§13–1807.

The county may issue an annual bingo license authorizing the holder to conduct bingo at a specified fixed location:

(1) at any time during the year for which the license is issued; but

(2) not to exceed twice in any 1 week.

§13–1808.

(a) The county may issue:

(1) one temporary 10-day bingo license to each applicant each calendar year at a fee determined by the county; or

(2) a 1-day bingo license at a fee determined by the county, not to exceed three 1-day licenses to each applicant each calendar year, authorizing the holder to conduct bingo at a specified fixed location for 1 day.

(b) A temporary 10-day bingo license authorizes the holder to conduct bingo at a specified fixed location for a maximum of 10 days in any 1 year.

§13–1809.

(a) The county shall:

(1) adopt regulations for the conduct of bingo;

(2) establish license fees, based on the administrative cost of regulating bingo and issuing each class of license; and

(3) establish the hours of operation for bingo.

(b) After a public hearing, the county may revoke a bingo license for failure of the holder to comply with this subtitle or regulations adopted under this subtitle.

§13–1810.

(a) A qualified organization may conduct a raffle in the county to benefit charity or to further the purpose of the qualified organization.

(b) A raffle shall be conducted by a qualified organization and not by a person who:

(1) retains a portion of the proceeds from the raffle; or

(2) is compensated by the qualified organization for which the raffle is held.

(c) A person may not receive a private profit from the proceeds of a raffle.

(d) A qualified organization that conducts a raffle shall:

(1) keep accurate records of all transactions that occur on behalf of the raffle;

(2) keep the records for 2 years after the raffle; and

(3) on request, make the records available for examination by:

(i) the State's Attorney for the county;

(ii) the county sheriff;

(iii) the county Department of Health and Human Services;

(iv) the county attorney;

(v) the Department of State Police; or

(vi) a designated officer or agent of any of those units.

(e) A person operating a raffle shall be a resident of the county and a member of the qualified organization.

(f) Prizes of money or merchandise may be awarded in a raffle conducted under this subtitle.

(g) For a raffle of real property, the requirements of this section are in addition to the requirements of § 12-106(a) of this article.

(h) (1) Except as provided in paragraph (2) of this subsection, a qualified organization may not conduct more than 12 raffles each year.

(2) There is no limit to the number of 50/50 raffles that a qualified organization may conduct if the prize for each 50/50 raffle does not exceed $300.

§13–1811.

(a) Except as provided in subsection (b) of this section, a qualified organization that intends to conduct a raffle in the county shall obtain a permit from the county.

(b) A permit is not required to conduct a 50/50 raffle.

§13–1812.

A qualified organization that conducts a raffle in the county shall be located in the county.

§13–1813.

(a) A qualified organization shall apply for a raffle permit on a form that the county provides.

(b) A qualified organization shall disclose the following information on the permit application:

(1) the name of the qualified organization, and the names and addresses of its officers and directors;

(2) a complete statement of the purposes and objectives of the qualified organization, and the purposes for which the qualified organization will use the proceeds from the raffle;

(3) a statement under oath by the president and treasurer, or the chief executive and fiscal officer, of the qualified organization that:

(i) an agreement does not exist to divert any of the proceeds of the raffle to another; and

(ii) another person will not receive any of the proceeds of the raffle except to further the purpose of the qualified organization;

(4) in the case of a raffle of real property, under § 12-106(a) of this article, a copy of the disclosure statement filed with the Secretary of State; and

(5) any additional information that the county requires.

§13–1814.

The county:

(1) may adopt regulations necessary for the conduct of a raffle; and

(2) after a public hearing, may revoke the permit of a holder for failure to comply with this subtitle or regulations adopted under this subtitle.

§13–1815.

A person who violates this subtitle or a regulation adopted by the county under this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of $1,000 or both.

§13–1901.

(a) In this subtitle the following words have the meanings indicated.

(b) "Benefit performance" includes an outdoor carnival, indoor carnival, fair, picnic, dance, card party, bingo party, bazaar, concert, contest, exhibition, lecture, barbecue, or dinner.

(c) "Designated county agency" means an agency designated by the Prince George's County government.

(d) (1) "Qualified organization" means an organization of a group of citizens of the county or a company, association, or corporation that is organized in good faith in the county to promote the purposes of a volunteer fire department or of a charitable, benevolent, patriotic, fraternal, educational, religious, or civic object.

(2) "Qualified organization" does not include a group organized for the private profit or gain of any member of the group, company, association, or corporation.

§13–1902.

(a) This subtitle applies only in Prince George's County.

(b) Subtitle 2 of this title applies in Prince George's County.

§13–1903.

(a) Subject to subsection (b) of this section, a qualified organization may conduct a benefit performance to which the public is invited or admitted with or without charge.

(b) The net proceeds of the benefit performance:

(1) shall benefit the qualified organization;

(2) shall be used for the purposes of the qualified organization; and

(3) may not benefit the private gain of a member of the qualified organization.

§13–1904.

(a) A benefit performance shall be personally managed and conducted only by members of the qualified organization that sponsors the benefit performance.

(b) (1) At a benefit performance, a qualified organization may:

(i) conduct games of skill; or

(ii) dispose of merchandise and other things of value by auction, voting, or using a mechanical device such as a paddle wheel, wheel of fortune, bingo, or similar device.

(2) The activities allowed under this subsection may be conducted with or without an entrance or participation fee.

§13–1905.

A qualified organization shall obtain a written permit from the governing body of the county or its designee before conducting a benefit performance.

§13–1906.

At a benefit performance, a qualified organization may award:

(1) a merchandise prize; or

(2) a money prize of not more than $1,000 per prize.

§13–1907.

A person who conducts or attempts to conduct a benefit performance in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§13–1908.

(a) This section does not apply to a raffle conducted under § 13–1911.1 of this subtitle.

(b) Subject to subsection (c) of this section, a qualified organization may conduct a raffle.

(c) (1) The proceeds of a raffle:

(i) shall benefit the qualified organization; and

(ii) shall be used for the purposes of the qualified organization.

(2) Except for a bona fide raffle winner, an individual or group may not:

(i) benefit financially from the holding of a raffle; or

(ii) receive or be paid any proceeds from a raffle for personal use or benefit.

§13–1909.

(a) This section does not apply to a raffle conducted under § 13–1911.1 of this subtitle.

(b) A raffle shall be personally conducted and managed only by regular members of the qualified organization.

§13–1910.

(a) This section does not apply to a raffle conducted under § 13–1911.1 of this subtitle.

(b) A qualified organization shall obtain a written permit from the designated county agency before conducting a raffle if the total cash value of the prize exceeds $200.

(c) (1) Before issuing a permit, the designated county agency shall ascertain the character of the qualified organization applying for a permit under this section to determine if the application complies with this subtitle.

(2) A permit issued to a qualified organization to conduct a raffle may not be transferred.

(d) The permit fee for each raffle is $15.

§13–1911.

(a) This section does not apply to a raffle conducted under § 13–1911.1 of this subtitle.

(b) A qualified organization conducting a raffle may award prizes in money not exceeding a total of $5,000 and in merchandise in any amount or the merchandise cash equivalent.

§13–1911.1.

(a) A raffle may be conducted by a charitable foundation that:

(1) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;

(2) is affiliated with a professional football team that plays its home games in Prince George's County; and

(3) has an office and conducts operations in Prince George's County.

(b) (1) Before conducting a raffle, a charitable foundation shall obtain a written permit from the designated county agency.

(2) Before issuing a permit, the designated county agency shall ascertain the character of the applicant to determine if the permit should be issued.

(3) A permit issued to a charitable foundation may not be transferred.

(4) The designated county agency shall set a fee for issuance of a permit.

(5) There is no limit on the number of permits that the designated county agency may issue in a year.

(c) (1) The charitable foundation conducting a raffle may:

(i) set the price of raffle tickets; and

(ii) subject to paragraph (2) of this subsection, award prizes in any amount in money or in merchandise.

(2) The amount of a cash award or the retail cash equivalent of a merchandise award may not exceed 50% of the proceeds of a raffle.

(d) (1) The proceeds of a raffle shall be used to:

(i) benefit the residents of Prince George's County;

(ii) pay for prizes awarded to winners; and

(iii) pay for reasonable costs for necessary equipment and supplies.

(2) Proceeds of a raffle may not be used to help cover costs involved in conducting the raffle, including any compensation to ticket sellers or individuals who operate the raffle.

(e) (1) A raffle shall be held in conjunction with a specific professional football game played in Prince George's County.

(2) A permit to hold a raffle is valid for not more than 24 hours.

(3) All raffle tickets shall be sold and received:

(i) on property owned or under the control of the professional football team with which the charitable foundation is affiliated; and

(ii) may not be sold on the Internet or otherwise to an individual not physically present on the property.

(f) On or before March 30 of each year, the charitable foundation shall send to the designated county agency a report detailing the amount and disposition of the money raised by raffles in the previous calendar year.

§13–1912.

(a) In this section:

(1) "casino night" means a benefit performance at which:

(i) a card game, wheel of chance, or roulette is played; and

(ii) money winnings or tokens redeemable in money are awarded as prizes; but

(2) "casino night" does not include a benefit performance at which the only form of gaming is a wheel of fortune, big wheel, or other wheel of chance.

(b) (1) This subtitle and Subtitle 2 of this title do not authorize casino nights in the county.

(2) A person may not conduct a casino night in the county.

(c) A person who violates this section or a county ordinance enacted under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§13–2001.

(a) In this subtitle the following words have the meanings indicated.

(b) "County commissioners" means the Board of County Commissioners of Queen Anne's County.

(c) "Permit" means:

(1) a multiple gaming device permit issued under § 13-2003 of this subtitle; or

(2) a raffle permit issued under § 13-2004 of this subtitle.

(d) (1) "Raffle" means a lottery in which a prize is won by a person who buys a paper chance.

(2) A "raffle" is not a multiple gaming device regulated under § 13-2003 of this subtitle unless run in conjunction with an event that requires a multiple gaming device permit.

§13–2002.

(a) This subtitle applies only in Queen Anne's County.

(b) This subtitle does not authorize gambling using a slot machine or coin machine.

§13–2003.

(a) An organization listed in subsection (b) of this section shall obtain a permit from the county commissioners before the organization may use two or more of the following gaming devices in conducting a fundraiser at which prizes of merchandise or money may be awarded:

(1) a paddle wheel;

(2) a wheel of fortune;

(3) a chance book;

(4) a card game;

(5) a raffle; or

(6) any other gaming device.

(b) (1) In this subsection, "charity" means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(2) Notwithstanding any other provision of this subtitle, the county commissioners may issue a permit to use multiple gaming devices to an organization if the organization is:

(i) a bona fide religious organization that has conducted religious services at the same location in the county for at least 3 years before applying for a permit;

(ii) a county-supported or municipally supported volunteer fire company or an auxiliary unit of the volunteer fire company whose members are directly associated with the volunteer fire company or auxiliary unit;

(iii) a nationally chartered veterans' organization or an auxiliary unit of the veterans' organization whose members are directly associated with the veterans' organization;

(iv) if the organization intends to use two or more gaming devices to conduct a fundraiser for the benefit of a charity located in the county, an organization that is a bona fide:

1. fraternal organization;

2. educational organization;

3. civic organization;

4. patriotic organization; or

5. charitable organization; or

(v) a bona fide nonprofit organization that:

1. has operated on a nonprofit basis in the county for at least 3 years before applying for a permit; and

2. intends to use the multiple gaming devices to raise money for an exclusively charitable, athletic, or educational purpose specifically described in the permit application.

(c) Before issuing a permit, the county commissioners shall determine that the organization seeking the permit:

(1) is organized in and serves the residents of the county; and

(2) meets the conditions of this section.

(d) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a permit is valid for one event that does not last longer than 6 hours.

(ii) The county commissioners may issue a permit for an event longer than 6 hours if the permit holder does not seek more than one permit in the same year.

(2) The county commissioners may not approve a permit for gaming events to be held on premises that are licensed under a Class B or Class D alcoholic beverages license.

(3) The county commissioners may not issue more than two permits to an organization in a single year.

(4) The county commissioners may:

(i) charge a fee set by resolution for each permit;

(ii) set the number of permits that may be issued each year; and

(iii) adopt regulations governing permit applications and the issuance of permits.

(e) (1) An organization that is issued a permit shall conduct its fundraiser in:

(i) a structure that the organization owns, leases, or occupies;

(ii) a structure that any organization that would qualify for a permit owns, leases, or occupies; or

(iii) a public location that is:

1. described in the permit application; and

2. approved by the State's Attorney for the county.

(2) (i) Unless the county commissioners grant a waiver, a fundraiser for which a permit is issued shall be managed and operated only by individuals who reside in the county and on behalf of the permit holder.

(ii) Each permit holder shall designate an individual to be responsible for compliance with the terms and conditions of this subtitle and a permit issued under this subtitle.

(iii) A person may not be compensated for operating the gaming activity conducted under a permit.

(f) (1) The permit holder shall use at least one-half of the funds raised using the permit for civic, charitable, or educational purposes.

(2) Within 30 days after a fundraiser, the permit holder shall send to the county commissioners:

(i) an accounting of all funds received or pledged;

(ii) an accounting of all expenses paid or incurred; and

(iii) a statement under oath of the application of the net profits.

(g) The county commissioners may deny a permit for not more than 3 years to an organization that violates this subtitle or regulations adopted under this subtitle.

§13–2004.

(a) The county commissioners may issue a raffle permit to an organization that qualifies for a permit under § 13-2003 of this subtitle or under regulations that the county commissioners adopt.

(b) The holder of a raffle permit must award the last prize in the raffle within 1 year after the date that the permit for the raffle is issued.

(c) The county commissioners may regulate the number of raffle permits that an organization may be issued in 1 year.

§13–2005.

To benefit charity in the county or to further its purposes, an entity may conduct bingo if the entity is a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) charitable organization; or

(4) volunteer fire company operating in a community that does not have a paid fire department.

§13–2006.

(a) A person who violates a provision of § 13-2002, § 13-2003, or § 13-2004 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(b) Each day that a person violates this section is a separate violation.

§13–2101.

(a) In this subtitle the following words have the meanings indicated.

(b) "County commissioners" means the Board of County Commissioners of St. Mary's County.

(c) (1) "Gaming device" includes a paddle wheel, wheel of fortune, chance book, bingo, Nevada card, and a stamp machine.

(2) "Gaming device" does not include a slot machine, as defined in § 12-301 of this article.

(d) "Gaming event" means a carnival, bazaar, or raffle.

(e) "Qualified organization" means:

(1) a volunteer fire company; or

(2) a bona fide:

(i) religious organization;

(ii) fraternal organization;

(iii) civic organization;

(iv) war veterans' organization; or

(v) charitable organization.

(f) "Sheriff" means the Sheriff of St. Mary's County.

§13–2102.

(a) This subtitle applies only in St. Mary's County.

(b) Subtitle 2 of this title applies in St. Mary's County.

§13–2103.

A qualified organization must have a bingo license whenever the qualified organization conducts bingo.

§13–2104.

To be eligible for a bingo license, an organization must be:

(1) a bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before the application date;

(2) a volunteer fire company or volunteer rescue squad, regardless of whether the company or squad is supported by tax revenues, or an auxiliary unit whose members are associated directly with the company or squad;

(3) a nationally chartered veterans' organization, or an auxiliary unit whose members are associated directly with the organization; or

(4) a nonprofit organization that:

(i) has operated in the county for at least 3 years before the application date; and

(ii) intends to raise money for an exclusively charitable, athletic, or educational purpose specifically described in the application.

§13–2105.

(a) An organization shall submit an application for a bingo license to the sheriff.

(b) A principal officer of the organization shall certify in the application for a bingo license:

(1) the name and address of the organization;

(2) the name and address of the officer seeking the license for the organization;

(3) that the officer is authorized by the organization to file the application;

(4) the time and place of bingo;

(5) that, within 15 days after the last day named in the application for the license to conduct bingo, a principal officer of the organization will file under penalties of perjury the report required by § 13-2109 of this subtitle;

(6) that bingo will be conducted solely and personally by the regular members of the organization, without the assistance of gaming professionals; and

(7) that no compensation or reward will be paid to a person for conducting or assisting in conducting bingo.

§13–2106.

(a) By resolution, the county commissioners may establish a bingo license fee schedule based on criteria that the county commissioners consider appropriate.

(b) The sheriff shall charge for each license the annual license fee that the county commissioners set by resolution.

(c) A resolution adopted under subsection (a) of this section shall specify the fund in which the license fees are to be deposited.

§13–2107.

The sheriff shall issue a numbered license to an organization that meets the requirements of §§ 13-2103 through 13-2110 of this subtitle to conduct bingo and award prizes.

§13–2108.

A license issued under this subtitle is valid for 1 year.

§13–2109.

Within 15 days after the last day authorized for bingo in the license, a principal officer of the organization shall file a report under penalties of perjury that certifies:

(1) that the regular members of the organization personally conducted bingo at the time and place stated in the application without the assistance of gaming professionals;

(2) the disposition of the cash proceeds of the bingo; and

(3) that the organization did not pay a premises rental fee to:

(i) itself;

(ii) its trustees;

(iii) a committee of the organization; or

(iv) any organization whose members are the same, or substantially the same, as the licensed organization.

§13–2110.

An organization is disqualified from obtaining a license under this subtitle for 1 year if the organization fails to:

(1) file the report required under § 13-2109 of this subtitle; or

(2) comply with §§ 13-2103 through 13-2110 of this subtitle.

§13–2111.

A qualified organization may hold a gaming event and may operate a gaming device if an individual or group of individuals does not:

(1) benefit financially from the operation of the gaming device; or

(2) receive from the operation of the gaming device any proceeds for personal use or benefit.

§13–2112.

Members of the qualified organization shall personally manage the operation of the gaming device.

§13–2113.

If a qualified organization uses a gaming device on a daily basis:

(1) the qualified organization may not operate more than five gaming devices; and

(2) the premises in which the qualified organization operates the gaming device may not contain more than five gaming devices.

§13–2114.

(a) All proceeds from a gaming device shall be used solely for the legitimate charitable, benevolent, or tax-exempt purposes of the qualified organization.

(b) Proceeds from the operation of a gaming device may not be used to benefit personally any member of the qualified organization.

§13–2115.

(a) A qualified organization shall keep accurate records of proceeds and expenditures involving gaming devices.

(b) On request, a qualified organization shall allow the State's Attorney for the county, a State Police officer, and the sheriff or deputy sheriff to examine the records required under subsection (a) of this section.

§13–2201.

(a) This subtitle applies only in Somerset County.

(b) Subtitle 2 of this title applies in Somerset County.

§13–2202.

To benefit charity in the county or to further the purposes of an organization qualified to conduct bingo under this section, an organization may conduct bingo if the organization is a bona fide:

(1) religious organization;

(2) fraternal organization;

(3) war veterans' organization;

(4) charitable organization; or

(5) volunteer fire company operating in a community that does not have a paid fire department.

§13–2301.

Subtitle 2 of this title applies in Talbot County.

§13–2401.

In this subtitle, "county commissioners" means the Board of County Commissioners of Washington County.

§13–2402.

This subtitle applies only in Washington County.

§13–2403.

Except as otherwise provided in this subtitle, Subtitle 2 of this title applies in Washington County.

§13–2404.

(a) A volunteer rescue company shall be treated as a volunteer fire company for purposes of Subtitle 2 of this title.

(b) A person may not operate a chance book, paddle wheel, tip jar, wheel of fortune, or other gaming device, other than a bingo game, on premises that are owned by, leased to, or used as a place of business by a person that conducts a bingo game for purposes of making a profit.

(c) (1) Subtitle 2 of this title does not apply to the operation of tip jars.

(2) Tip jars are regulated under Part III of this subtitle.

§13–2407.

Bingo may be conducted in accordance with Part II of this subtitle.

§13–2408.

(a) Before a person may conduct bingo, the person shall obtain a bingo permit from the county commissioners.

(b) (1) Before issuing a bingo permit, the county commissioners shall ascertain:

(i) the purpose of the bingo game; and

(ii) the intended use of receipts from bingo.

(2) The county commissioners may not issue a new bingo permit for bingo that is to be conducted for profit.

§13–2409.

(a) This section does not apply to a nonprofit organization seeking a bingo permit.

(b) The county commissioners may charge an annual fee not exceeding $5,000 for a bingo permit.

§13–2410.

A person may not give or offer in a single bingo game:

(1) a money prize exceeding $1,000;

(2) a merchandise prize exceeding a value of $1,000; or

(3) a prize of money and merchandise with a combined value exceeding $1,000.

§13–2411.

(a) A person may not conduct bingo in violation of Part II of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(c) Each day that a violation occurs is a separate violation.

§13–2414.

(a) In Part III of this subtitle the following words have the meanings indicated.

(b) "Agency" means the county agency that the county commissioners designate to administer Part III of this subtitle.

(c) "Fund" means the Washington County Gaming Fund.

(d) "Gaming commission" means the Washington County Gaming Commission.

(e) "Tip jar" means:

(1) a gaming device from which for consideration a number, series of numbers, or other symbol is obtained by selection of a sealed piece of paper that may entitle the purchaser to a payoff in money or otherwise, either on receipt or as the result of a subsequent announcement of a winning number, series of numbers, or other symbol; or

(2) any other device commonly recognized as a tip jar.

(f) "Tip jar license" means a license that the agency issues to operate a tip jar.

(g) "Tip jar packet" means a package of numbers, series of numbers, or symbols on folded or sealed pieces of paper that is designed to be sold through a tip jar and that is sufficient for a single tip jar game.

(h) "Wholesaler's license" means a license that the agency issues to sell or wholesale tip jar packets for profit.

§13–2415.

There is a Washington County Gaming Commission.

§13–2416.

(a) (1) The gaming commission consists of seven members.

(2) Of the seven members of the gaming commission:

(i) three shall be appointed by the county commissioners;

(ii) one shall be appointed by the State Senators whose districts are in or include part of the county;

(iii) one shall be appointed by the chairperson of the county delegation to the House of Delegates, with the concurrence of that delegation;

(iv) one shall be from the Washington County Clubs Association, appointed by the county Senate and House delegations; and

(v) one shall be a representative of the alcoholic beverages, restaurant, and tavern industries in the county, appointed by the county Senate and House delegations.

(b) Each member of the gaming commission shall be a resident of the county.

(c) A member appointed to the gaming commission under subsection (a)(2)(i), (ii), or (iii) of this section may not:

(1) hold a tip jar license or wholesaler's license or be employed by a person who holds a tip jar license or wholesaler's license; or

(2) hold an ownership interest in or receive a direct benefit from a person who holds a tip jar license or wholesaler's license.

(d) (1) The term of a member of the gaming commission is 2 years and begins on March 1 or October 1, according to the staggered schedule required by the terms provided for members of the gaming commission on October 1, 2002.

(2) At the end of a term, a member continues to serve until a successor is appointed.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(e) A member who completes two full terms on the gaming commission may not be reappointed within the 5 years after the end of the second term.

(f) The gaming commission shall adopt conflict of interest regulations applicable to members of the gaming commission.

§13–2417.

(a) Each year the gaming commission shall elect a chairperson from among its members.

(b) The manner of election of a chairperson shall be as the gaming commission determines.

§13–2418.

(a) A member of the gaming commission:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses, in accordance with a policy of the county commissioners.

(b) The county commissioners shall assign appropriate professional staff to the gaming commission's meetings.

§13–2419.

(a) (1) The county commissioners shall adopt regulations to carry out Part III of this subtitle.

(2) The agency may recommend to the county commissioners regulations or guidelines concerning the administration of Part III of this subtitle.

(b) The county commissioners shall make available for public inspection:

(1) audit reports completed under § 13-2432(a) of this subtitle; and

(2) in accordance with regulations of the county commissioners, tip jar reports submitted under § 13-2424 of this subtitle.

(c) By regulation, the county commissioners may require:

(1) an applicant for a tip jar license or wholesaler's license or an individual involved in the operation of a tip jar to be fingerprinted for purposes of a criminal history records check; and

(2) the agency to obtain a criminal history records check in accordance with subsection (d) of this section.

(d) (1) If the county commissioners direct the agency to obtain criminal history records checks, the agency shall apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State criminal history records check for each:

(i) applicant for a tip jar license or wholesaler's license; and

(ii) individual involved in the operation of a tip jar.

(2) As part of the application for a criminal history records check, the agency shall submit to the Criminal Justice Information System Central Repository:

(i) a complete set of the applicant's or individual's legible fingerprints on forms approved by the director of the Criminal Justice Information System Central Repository; and

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article.

(3) The Criminal Justice Information System Central Repository shall provide the requested information in accordance with Title 10, Subtitle 2 of the Criminal Procedure Article.

§13–2420.

(a) A person shall be licensed by the agency before operating a tip jar.

(b) To be eligible for a license to operate a tip jar, an applicant shall be a:

(1) religious organization;

(2) civic organization;

(3) fraternal organization;

(4) veterans' organization;

(5) bona fide charitable organization;

(6) sportsmen's association that is tax exempt under § 501(c) of the Internal Revenue Code and that is approved by the county commissioners;

(7) holder of a Class A beer, wine and liquor license;

(8) restaurant with an alcoholic beverages license;

(9) tavern with an alcoholic beverages license;

(10) volunteer fire company; or

(11) volunteer rescue company.

(c) (1) A person may not receive a tip jar license if the person:

(i) owes taxes to the State, the county, or a municipal corporation in the county;

(ii) unless authorized under paragraph (2) of this subsection, holds a wholesaler's license; or

(iii) has been convicted of a:

1. felony; or

2. misdemeanor involving a violation of a gambling or gaming law of the State.

(2) A volunteer fire company or volunteer rescue company may hold both a tip jar license and wholesaler's license.

§13–2421.

(a) (1) An applicant for a tip jar license shall:

(i) submit to the agency an application on the form that the agency provides; and

(ii) subject to paragraph (2) of this subsection, pay an annual fee of $250 to the county.

(2) The county commissioners may waive or reduce the annual fee for an organization that qualifies for a license under § 13-2420(b)(1) through (6), (10), or (11) of this subtitle.

(b) The county shall credit license fees collected under subsection (a)(1)(ii) of this section to the general fund of the county.

§13–2422.

The agency may issue a tip jar license to each applicant that meets the requirements of Part III of this subtitle.

§13–2423.

(a) Unless otherwise authorized by the county commissioners, a tip jar licensee may operate a tip jar game only:

(1) during normal business hours; and

(2) on the tip jar licensee's premises.

(b) A tip jar licensee may award prizes in money or merchandise for a tip jar game.

(c) The agency periodically shall send an agent to inspect the premises of each tip jar licensee to ensure compliance with Part III of this subtitle.

§13–2424.

(a) At least three times a year, a tip jar licensee shall submit to the county commissioners a report concerning the tip jars the person operates.

(b) Each report shall:

(1) identify gaming stickers used;

(2) indicate the number of tip jars in operation;

(3) indicate the number of tip jar packets purchased; and

(4) include any additional information that the county commissioners require.

(c) (1) This subsection only applies to a person who qualifies for a tip jar license under § 13-2420(b)(7), (8), or (9) of this subtitle.

(2) In accordance with regulations of the county commissioners, a person subject to this subsection shall include in each report an accounting of receipts and disbursements made in connection with tip jars for the reporting period.

(d) Each report shall include a written statement, signed by the individual making the report, in which the individual affirms under the penalties of Part III of this subtitle and under the penalty of perjury that the contents of the report are true to the best of the individual's knowledge, information, and belief.

(e) (1) This subsection only applies to an organization that qualifies for a tip jar license under § 13-2420(b)(1) through (6) of this subtitle.

(2) Each report for an organization that is subject to this subsection:

(i) shall be filed by an officer of the organization; and

(ii) in accordance with regulations of the county commissioners, shall include for the reporting period an accounting of:

1. all receipts in connection with the operation of a tip jar; and

2. the disbursements made in compliance with § 13-2435(e) of this subtitle.

(3) In filing a report under this subsection, the officer of the organization may not:

(i) fraudulently use a false or fictitious name;

(ii) knowingly conceal a material fact;

(iii) knowingly make a false statement; or

(iv) otherwise commit fraud.

(4) A person who violates paragraph (3) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

§13–2425.

(a) A tip jar license expires on the first July 1 after its effective date.

(b) A tip jar license is not transferable.

§13–2426.

(a) By regulation, the county commissioners may establish a temporary tip jar license for a nonprofit organization that desires to raise money solely for an athletic, charitable, or educational purpose that:

(1) meets the requirements for a charitable contribution under § 170(c) of the Internal Revenue Code; and

(2) does not benefit a:

(i) law enforcement agency;

(ii) law enforcement fraternal organization;

(iii) political club, political committee, or political party; or

(iv) unit of the State government or of a political subdivision of the State other than:

1. an ambulance, fire fighting, or rescue squad; or

2. a primary or secondary school or an institution of higher education.

(b) If the county commissioners establish a temporary tip jar license, by regulation, the county commissioners shall:

(1) set the fee for a temporary tip jar license;

(2) set the term of a temporary tip jar license;

(3) prescribe which provisions of Part III of this subtitle apply to the issuance of a temporary tip jar license and the operation of a tip jar under a temporary tip jar license; and

(4) establish any additional requirements that the county commissioners consider appropriate concerning operation of a tip jar under a temporary tip jar license.

(c) An organization that receives a temporary tip jar license is subject to audit by the gaming commission.

(d) An individual involved in the operation of a tip jar under a temporary tip jar license may not personally benefit financially from the operation of the tip jar.

(e) If an organization that has operated a tip jar under a temporary tip jar license disbands, the organization shall transfer any remaining proceeds from the operation of a tip jar to the fund.

§13–2427.

(a) A person shall be licensed by the agency as a wholesaler before the person may sell a tip jar packet for profit.

(b) (1) A person is eligible for a license under this section to sell or wholesale for profit a tip jar packet if the person:

(i) is of good moral character;

(ii) except for a volunteer fire company or volunteer rescue company, has had an established place of business in the county for at least 3 years, as evidenced by the filing of personal property tax returns;

(iii) in the case of a volunteer fire company or volunteer rescue company, has been established in the county for at least 1 year;

(iv) does not owe taxes to the State, the county, or a municipal corporation in the county;

(v) unless authorized under paragraph (2) of this subsection, does not hold a tip jar license;

(vi) has not been convicted of a:

1. felony; or

2. misdemeanor involving a violation of a gambling or gaming law of the State;

(vii) except for a volunteer fire company or volunteer rescue company, does not hold a tip jar license or own or have in any way an interest in an entity that holds a tip jar license;

(viii) except for a volunteer fire company or volunteer rescue company, is not an immediate family member of a person who holds a tip jar license or owns or has in any way an interest in an entity that holds a tip jar license; and

(ix) is not a corporation, limited liability company, or unincorporated association in which at least one stockholder or member is a holder of a tip jar license.

(2) A volunteer fire company or volunteer rescue company may hold both a tip jar license and a wholesaler's license.

§13–2428.

(a) (1) An applicant for a wholesaler's license shall:

(i) submit to the agency an application on the form that the agency provides; and

(ii) subject to paragraph (2) of this subsection, pay to the agency an annual fee of $500.

(2) The county commissioners shall waive the annual fee for a volunteer fire company or a volunteer rescue company.

(b) The agency shall credit license fees collected under subsection (a)(1)(ii) of this section to the general fund of the county.

§13–2429.

The agency may issue a wholesaler's license to each applicant that meets the requirements of Part III of this subtitle.

§13–2430.

(a) A holder of a wholesaler's license may not sell a tip jar packet to a person who does not have a tip jar license.

(b) Before selling a tip jar packet, a holder of a wholesaler's license shall:

(1) obtain a gaming sticker from the agency; and

(2) affix the gaming sticker to the tip jar packet in the manner the county commissioners require.

§13–2431.

(a) A wholesaler's license expires on the first July 1 after its effective date.

(b) A wholesaler's license is not transferable.

§13–2432.

(a) The county commissioners may audit records relating to tip jars of a holder of a tip jar license or wholesaler's license.

(b) In accordance with regulations of the county commissioners, a holder of a tip jar license or a wholesaler's license shall make available to an auditor designated by the county commissioners the records that are required for an audit.

(c) A holder of a tip jar license or a wholesaler's license shall retain for at least 5 years the records that are required by the county commissioners by regulation.

§13–2433.

(a) Subject to the hearing provisions of § 13-2434 of this subtitle, the agency may:

(1) deny a tip jar license or a wholesaler's license to an applicant; or

(2) in accordance with § 13-2437 of this subtitle, discipline a holder of a tip jar license or wholesaler's license.

(b) The agency shall deny a license to an applicant whose tip jar license or wholesaler's license has been revoked.

(c) If the license of a holder of a tip jar license or wholesaler's license is revoked for two separate civil violations under § 13-2437 of this subtitle or a criminal violation under § 13-2424(e) or § 13-2438(a) of this subtitle, the agency may deny a tip jar license or wholesaler's license to:

(1) a corporate or limited liability entity applicant if 50% or more of the capital stock is owned by an individual, or an immediate family member of an individual, whose license was revoked; or

(2) a partnership applicant if the partnership includes as a partner an individual whose license was revoked.

§13–2434.

(a) Before the agency takes action under § 13-2433(a) of this subtitle, it shall give the person against whom the action is contemplated the opportunity for a hearing.

(b) If a hearing is requested, the county commissioners shall:

(1) give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article; or

(2) delegate to the Office of Administrative Hearings the authority to hold the hearing.

(c) If the county commissioners hold the hearing, the county commissioners may administer oaths in connection with the hearing.

(d) (1) If the Office of Administrative Hearings holds the hearing:

(i) the administrative law judge shall state on the record the conclusions of law and findings of fact; and

(ii) subject to paragraph (2) of this subsection, the determination of the administrative law judge is a final decision for purposes of judicial review in the same manner as a final decision in a contested case under § 10-222 of the State Government Article.

(2) In an appeal of a decision of the administrative law judge:

(i) if the civil penalty is less than $5,000, judicial review of disputed issues of fact shall be confined to the record; or

(ii) if the civil penalty is $5,000 or more, judicial review shall be de novo.

(e) After notice, if the person against whom the action is contemplated:

(1) fails or refuses to appear, nevertheless the county commissioners may hear and determine the matter; or

(2) does not request a hearing, the county commissioners may impose a civil penalty without a hearing.

§13–2435.

(a) In this section, "gross profits" means the total proceeds from the operation of a tip jar less:

(1) the amount of money winnings or value of prizes distributed; and

(2) the cost of a gaming sticker.

(b) There is a Washington County Gaming Fund.

(c) (1) The county commissioners shall establish:

(i) the method and time of deposits to the fund; and

(ii) other procedures necessary to carry out subsections (d), (e), and (f) of this section.

(2) In accordance with a written agreement between the county commissioners and the gaming commission, the gaming commission may use money from the fund to reimburse the county commissioners for the costs to the county for administering Part III of this subtitle.

(3) (i) The county commissioners may require the Washington County Volunteer Fire and Rescue Association to submit financial reports of the Association.

(ii) The county commissioners may adopt regulations specifying the time frames for submission of the reports, but the regulations shall be limited in scope to the timing of submission of the reports only.

(iii) The financial reports of the Washington County Volunteer Fire and Rescue Association may include an annual budget as approved under paragraph (4) of this subsection, budget reports, and related documentation that shows how money has been spent by the Washington County Volunteer Fire and Rescue Association during the previous fiscal year.

(iv) If the financial reports are not submitted within the time required under the regulations, the county commissioners may withhold funds that would otherwise be distributed under subsection (f)(1) of this section until the reports are submitted.

(4) (i) Each year the Washington County Volunteer Fire and Rescue Association shall submit its budget to the county commissioners.

(ii) The county commissioners shall accept or reject the budget by a majority vote.

(iii) The acceptance or rejection of the budget may not be delegated to any designee.

(iv) The county commissioners may withhold funds that would otherwise be distributed under subsection (f)(1) of this section until the budget of the Washington County Volunteer Fire and Rescue Association is accepted by the county commissioners.

(d) (1) This subsection applies only to a person who holds a tip jar license under § 13–2420(b)(7), (8), or (9) of this subtitle.

(2) Subject to paragraph (3) of this subsection, a person subject to this subsection shall deposit with a financial institution designated by the gaming

commission, to the credit of the fund, the gross profits from each tip jar that the person operates.

(3) To offset the costs of operating a tip jar, a person with a tip jar license may retain 50% of the gross profits from each tip jar game.

(e) (1) This subsection applies only to a person who holds a tip jar license under § 13–2420(b)(1) through (6) of this subtitle.

(2) A person subject to this subsection shall deposit with a financial institution designated by the gaming commission, to the credit of the fund, 15% of the gross profits earned through the operation of tip jars during the 12–month period ending June 30.

(3) If a person fails to contribute the full amount required under paragraph (2) of this subsection, the person shall deposit the balance required during the next year.

(f) After the reimbursement under subsection (c)(2) of this section, each year the gaming commission shall distribute:

(1) 50% of the money deposited in the fund to the Washington County Volunteer Fire and Rescue Association; and

(2) subject to any restriction that the county commissioners adopt by regulation, 50% of the money deposited in the fund to bona fide charitable organizations in the county.

(g) The county commissioners may not require that funds distributed under (f)(1) of this section be used for fire and rescue services for which funds previously have been appropriated in the county operating budget.

§13–2436.

(a) Unless licensed to operate a tip jar by the agency, a person may not offer to another a chance from a tip jar or otherwise operate a tip jar.

(b) A holder of a tip jar license may not:

(1) allow a minor to play a tip jar; or

(2) operate a tip jar on property owned by the Board of Education of Washington County.

(c) Unless licensed as a wholesaler to sell tip jar packets by the agency, a person may not sell or wholesale a tip jar packet for profit.

§13–2437.

(a) If a person violates Part III of this subtitle, the person is subject to:

(1) for a first violation, suspension of the person's tip jar license or wholesaler's license and a civil penalty not exceeding $1,500; or

(2) for each subsequent violation, revocation of the person's tip jar license or wholesaler's license and a civil penalty not exceeding $5,000.

(b) In addition to the penalties under subsection (a)(2) of this section, if the person has a liquor license, the agency may recommend to the Board of License Commissioners for Washington County that the Board suspend the person's liquor license for not less than 15 days for a subsequent violation.

(c) Civil penalties collected under subsection (a) of this section shall be credited to the general fund of the county.

§13–2438.

(a) (1) A person who violates § 13-2436 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) for a first violation, $5,000; or

(ii) for each subsequent violation, $10,000.

(2) Each sale or offer of a chance from a tip jar is a separate violation.

(b) If a person convicted under this section has a liquor license, the agency shall recommend to the Board of License Commissioners for Washington County that the Board suspend the person's liquor license for not less than 15 days.

§13–2439.

On or before February 1 of each year, the gaming commission shall submit a report to the Comptroller that includes:

(1) the total amount of revenue received by the gaming commission for the previous calendar year as a result of the operation of tip jars in Washington County;

(2) a detailed listing of the total distributions made by the gaming commission during the previous calendar year with regard to revenue received from the operation of tip jars in Washington County; and

(3) any additional information that the Comptroller may require.

§13–2501.

(a) In this subtitle the following words have the meanings indicated.

(b) "Committee" means the Gaming Advisory Committee established under § 13-2505 of this subtitle.

(c) "Sheriff" means the Sheriff of Wicomico County.

§13–2502.

(a) This subtitle applies only in Wicomico County.

(b) This subtitle does not authorize gambling using a slot machine or a coin machine.

§13–2503.

(a) The sheriff may issue a license to an organization listed in subsection (b) of this section to conduct a game that uses any of the following devices to award prizes of merchandise or money:

(1) a paddle wheel;

(2) a wheel of fortune;

(3) a chance book;

(4) bingo;

(5) a raffle; or

(6) any other gaming device.

(b) To qualify for a license under this subtitle, an organization shall be:

(1) a bona fide religious organization that has conducted religious services at a fixed location in the county for at least 5 years before the organization applies for a license;

(2) a tax–supported volunteer fire company or an auxiliary unit whose members are directly associated with the fire company;

(3) an organization that has been located in the county for at least 5 years before it applies for a license and is:

(i) a nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with the veterans' organization;

(ii) a nonprofit organization that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code;

(iii) a nonprofit fraternal organization that is exempt from taxation under § 501(c)(10) of the Internal Revenue Code; or

(iv) a nonprofit organization that:

1. intends to use the gaming license to raise money for an exclusively charitable, athletic, or educational purpose that meets the conditions of subsection (c) of this section; and

2. states the charitable, athletic, or educational purpose in the application to the sheriff.

(c) For the purposes of subsection (b)(3)(iv) of this section, a purpose is considered a charitable, athletic, or educational purpose if the purpose:

(1) meets the requirements for a charitable contribution under § 170(c) of the Internal Revenue Code; and

(2) does not benefit a:

(i) law enforcement unit;

(ii) fraternal organization for a law enforcement unit;

(iii) political club;

(iv) political committee;

(v) political party; or

(vi) unit of State government or a political subdivision of the State other than:

1. an ambulance company;

2. a fire fighting company;

3. a rescue company;

4. a primary school;

5. a secondary school; or

6. an institution of higher education.

(d) (1) An applicant for a license shall submit an application to the sheriff.

(2) The application shall contain:

(i) a copy of the tax–exempt verification of the organization;

(ii) a copy of the applicant's charter, if applicable; and

(iii) a certification by a principal officer of the applicant stating:

1. the dates for which the license is sought;

2. the place at which the game will be conducted;

3. the type of game for which the license is sought;

4. that only the regular members of the applicant will conduct the games and operate the gaming device for which the license is sought;

5. that the applicant will not use the assistance of gaming professionals in conducting games or operating gaming devices;

6. that persons conducting the games and operating the gaming devices or assisting in conducting the games and operating the gaming devices will not receive compensation or reward; and

7. that all proceeds obtained under the license will be used to further the purposes of the organization.

(3) The sheriff shall retain the copies of the applicant's verification of tax exemption and charter.

(e) (1) The sheriff may issue a license:

(i) for one or more specific dates; or

(ii) for a period not exceeding 1 year.

(2) The licensing year shall run from July 1 through the following June 30.

(3) The license shall state:

(i) the dates that the game will be conducted;

(ii) the place that the game will be conducted; and

(iii) the type of game authorized.

(f) (1) Except as provided under paragraph (2) of this subsection, a licensee may not conduct a game on Sunday.

(2) (i) A licensee may operate a raffle on Sunday.

(ii) A raffle is considered to be operated on the day that the licensee selects the raffle winner.

(iii) The sheriff shall license a 50/50 game operated for a period of more than 1 day as a raffle.

(3) A licensee may not allow a child who is under the age of 16 years to:

(i) operate a game or gaming device for which a license is issued under this subtitle;

(ii) conduct a game in which a gaming device is operated; or

(iii) play or participate in a game in which a gaming device is operated.

(4) The licensee may not pay a fee for the rental of the premises on which a game is conducted to:

(i) itself;

(ii) a trustee of the licensee;

(iii) a committee of the licensee; or

(iv) an organization with the same members or substantially the same members as the licensee.

(g) The sheriff shall charge each applicant:

(1) a license fee of $1 for each day for which a license is issued; and

(2) the following additional amounts:

(i) except as provided in items (ii) through (v) of this item, $1 for each gaming device to be operated each day;

(ii) $1 for each day that a pull tab or instant bingo device is to be sold;

(iii) $1 for each day that a bingo event is to be conducted;

(iv) $1 for each day that a bingo special event is to be conducted; and

(v) $1 for each raffle to be conducted.

§13–2504.

(a) (1) In accordance with paragraph (2) of this subsection, a principal officer of a licensee shall file a report under oath with the sheriff on the form that the sheriff provides.

(2) (i) A licensee that is issued a license for a period of less than 1 year shall file the report within 15 days after the date that the license expires.

(ii) A licensee that is issued a license for a period of 1 year shall file:

1. a semiannual report on or before January 31 of the licensing year; and

2. an annual report within 30 days after the date that the license expires.

(3) (i) A licensee also shall keep a weekly report in the form that the sheriff requires.

(ii) The weekly report shall be completed under oath.

(iii) The weekly report is subject to audit at a reasonable hour by:

1. the sheriff;

2. the State's Attorney for the county; or

3. a representative of the sheriff or the State's Attorney.

(b) The report that a licensee submits to the sheriff shall:

(1) state whether the authorized activities were conducted:

(i) on the dates and at the location stated in the application; and

(ii) by the regular members of the licensee without the assistance of gaming professionals;

(2) report the amount of the proceeds obtained from the licensed activities;

(3) report the disbursements made in connection with the licensed activities; and

(4) state that the licensee has not paid a fee for the rental of premises on which the game was conducted to:

(i) itself;

(ii) a trustee of the licensee;

(iii) a committee of the licensee; or

(iv) any organization with the same members or substantially the same members as the licensee.

§13–2505.

(a) (1) There is a Gaming Advisory Committee in the county.

(2) The members of the committee are appointed by, and serve at the pleasure of, the sheriff.

(3) The members of the committee may not receive compensation.

(b) The committee shall:

(1) recommend to the sheriff standards for reporting requirements for licensees;

(2) examine the audits and reports required under § 13-2504 of this subtitle; and

(3) make any other recommendations to assist the sheriff in the administration of licensing and other duties of the sheriff under this subtitle.

§13–2506.

(a) (1) The sheriff shall suspend a license if the licensee fails to comply with the reporting requirements of § 13-2504 of this subtitle.

(2) The suspension shall continue until the licensee meets the reporting requirements of § 13-2504 of this subtitle.

(b) Except as provided in subsection (a) of this section and subject to the procedures provided in subsection (c) of this section, the sheriff may not issue a new license for 1 year to a licensee that:

(1) has refused to file a report required under § 13-2504 of this subtitle; or

(2) has failed to comply with this subtitle.

(c) (1) The sheriff shall notify the licensee or applicant for a license by registered mail of the sheriff's suspension or refusal to issue a license.

(2) The licensee or applicant may appeal the decision in writing to the sheriff within 30 days after receiving the notice from the sheriff.

§13–2507.

A party may seek judicial review of:

(1) the sheriff's suspension of a license under this subtitle; or

(2) the sheriff's refusal to issue a license under this subtitle.

§13–2508.

This subtitle shall be enforced by:

(1) the sheriff;

(2) any municipal police officer in the county;

(3) any other law enforcement officer of the county; and

(4) any prosecutor of the county.

§13–2601.

In this subtitle, "county commissioners" means the Board of County Commissioners of Worcester County.

§13–2602.

This subtitle applies only in Worcester County.

§13–2605.

In this part, "Department" means the Worcester County Department of Development Review and Permitting.

§13–2606.

The following organizations may conduct bingo in accordance with this part:

(1) a bona fide religious organization that has conducted religious services at a fixed location in the county for at least 6 years before applying for a license under this part;

(2) a municipal corporation in the county;

(3) a volunteer fire company in the county;

(4) a local unit of a nationwide bona fide nonprofit organization or club that consists solely of members who served in the armed forces of the United States; or

(5) a nonprofit organization that:

(i) intends to raise money for an exclusively charitable or educational purpose that is specifically described in the license application filed with the Department; and

(ii) has operated as a nonprofit organization in the county for at least 5 years before applying for a license under this part.

§13–2607.

(a) The Department may adopt reasonable regulations to administer and enforce this part.

(b) A copy of the regulations adopted by the Department shall be made available at a reasonable cost.

§13–2608.

(a) (1) The Department shall exercise control and supervision over all games of bingo to ensure that the games are conducted fairly in accordance with the provisions of the licenses issued under § 13–2609 of this subtitle, the regulations adopted by the Department, and this part.

(2) The Department shall prevent bingo from being conducted for a commercial purpose, for private profit, or in any manner other than as provided in this part.

(b) For purposes of inspection, the Department and its inspectors may enter at any time any place where:

(1) bingo is being or will be conducted; or

(2) any equipment that is being or will be used to conduct bingo is located.

§13–2609.

(a) An organization or municipal corporation described in § 13–2606 of this subtitle that intends to conduct bingo under this part must obtain:

(1) an annual license to conduct bingo for more than 15 days in a year; or

(2) a temporary license to conduct bingo for 15 days or fewer in a year.

(b) (1) An applicant for a license shall submit to the Department an application on the form that the Department by regulation requires.

(2) The application form shall require:

(i) the name of the applicant;

(ii) the name of each principal officer of the applicant; and

(iii) a certification that no person will conduct bingo except a person who:

1. is a salaried employee or bona fide member of the applicant; and

2. shall not receive any form of commission or bonus.

(c) (1) An applicant shall pay to the Department a license fee of:

(i) $100 for an annual license; or

(ii) $25 in addition to $5 for each day bingo is conducted for a temporary license.

(2) The Department shall pay to the county commissioners all license fees collected under this part.

(d) The Department shall issue a license to each applicant who meets the requirements of this part and the regulations adopted under this part.

(e) If an applicant conducts bingo on premises that are leased by the applicant, the lease agreement must be approved by the Department before a license may be issued.

(f) The Department may deny a license to an applicant or suspend or revoke a license if the applicant or licensee has violated this part or any regulation adopted under this part.

§13–2610.

(a) The charge for admission to a place in order to participate in bingo conducted under this part may not exceed $5.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the value of a prize in money, merchandise, or services for any one game of bingo conducted under this part may not exceed $200.

(2) Jackpot prizes may be offered in a maximum amount of $5,000.

(3) "Winner Take All" games may be offered without a prize limit.

(c) A licensee's employees and the terms of their employment must be approved by the Department before they may conduct bingo under this part.

(d) A minor may not be allowed to participate in bingo conducted under this part.

(e) Bingo may not be conducted under this part in a room or area where alcoholic beverages are sold or served during the game.

(f) A licensee under this part may not conduct bingo on more than 125 days in a year.

§13–2611.

Unless otherwise prohibited by county or municipal law, all forms of advertising for bingo are allowed.

§13–2612.

(a) Each licensee under this part shall submit to the Department, at monthly intervals or at any other interval that the Department sets, a statement of its gross receipts and expenses.

(b) For each game of bingo conducted by the licensee, the statement shall include:

(1) the amount of gross receipts derived from the game;

(2) each item of expense incurred in the conduct of the game;

(3) each item of expenditure made in connection with the game; and

(4) the net profit derived from the conduct of the game.

§13–2613.

(a) (1) Each licensee shall pay to the county commissioners 3% of the gross receipts derived from bingo for each day that bingo is conducted by the licensee under this part.

(2) The licensee shall pay the money at the time the licensee submits to the Department the statement required under § 13–2612 of this subtitle.

(b) (1) An organization described in § 13–2606(5) of this subtitle may retain up to one–half of the proceeds derived from bingo conducted under this part for the benefit of the organization.

(2) The organization shall distribute any remaining proceeds for educational or charitable purposes.

(c) If bingo is conducted in a municipal corporation in the county, the county commissioners shall pay one–third of the 3% of the gross receipts received under subsection (a) of this section to the municipal corporation, to be used for its general purposes.

(d) (1) From the percentage of the gross receipts retained by the county commissioners, the county commissioners shall first pay the expenses necessary to administer this part.

(2) All additional funds shall be credited by the county commissioners to the general funds of the county.

§13–2614.

(a) Each licensee under this part shall maintain the books and reports that the Department requires for the purposes of this part.

(b) The Department shall submit to the county commissioners a detailed annual report of all statements submitted to the Department.

§13–2615.

(a) (1) A licensee may not:

(i) divert or pay out any of the proceeds of bingo conducted under this part in any manner other than as required by this part or by the regulations adopted under this part; or

(ii) violate any other provision of this part.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 for each violation.

(b) (1) A person may not receive any of the proceeds of bingo conducted under this part except for the purposes provided in this part.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§13–2619.

(a) In this part the following words have the meanings indicated.

(b) (1) "Gaming device" means a paddle wheel, wheel of fortune, chance book, raffle, or any other mechanism for playing a game of chance.

(2) "Gaming device" does not include bingo.

(c) "Multiple gaming device permit" means a permit that allows the use of two or more gaming devices.

(d) "Raffle" means a lottery using paper chances in which prizes are won by persons who buy chances in the lottery.

§13–2620.

This part does not authorize gambling using a slot machine or coin machine.

§13–2621.

(a) The county commissioners may issue a permit to any of the following organizations to conduct a fundraiser at which merchandise or money prizes may be awarded by gaming devices:

(1) a bona fide religious organization that has conducted religious services at the same location in the county for at least 3 years before applying for a permit;

(2) a volunteer fire company that is supported by the county or a municipal corporation in the county or an auxiliary unit whose members are directly associated with the volunteer fire company or auxiliary unit;

(3) a nationally chartered veterans' organization or an auxiliary unit whose members are directly associated with the veterans' organization;

(4) a bona fide nonprofit fraternal, educational, civic, patriotic, or charitable organization that intends to conduct a fundraiser for the benefit of a charity located in the county; or

(5) a bona fide nonprofit organization that:

(i) intends to raise money for an exclusively charitable, athletic, or educational purpose that is specifically described in the permit application; and

(ii) has operated as a nonprofit organization in the county for at least 3 years before applying for a permit.

(b) The county commissioners shall determine whether an organization qualifies for a permit under this section.

(c) An organization must be organized in and serve the residents of the county to be eligible for a permit under this section.

(d) An organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code is a bona fide charity under this section.

§13–2622.

The county commissioners may:

(1) adopt regulations concerning the permit application and the issuance of permits under this part;

(2) set a fee by resolution for each kind of permit issued under this part;

(3) regulate the number of permits issued to organizations each year; and

(4) deny a permit to an organization for up to 3 years if the organization violates this part or the regulations adopted under this part.

§13–2623.

(a) The county commissioners may not issue more than two multiple gaming device permits to an organization in any 1 year.

(b) The county commissioners may not issue:

(1) more than eight multiple gaming device permits for fundraisers to be held in any one facility in any 1 year; or

(2) more than three multiple gaming device permits for fundraisers to be held in any one facility in any 27-day period.

(c) A multiple gaming device permit issued under this part is valid for only one fundraiser lasting not more than 6 hours.

(d) The county commissioners may not issue a multiple gaming device permit for use in Ocean City or on real property that is owned by Ocean City and located in the county.

(e) The county commissioners may not issue a multiple gaming device permit to hold a fundraiser on premises that are licensed under a Class B or Class D alcoholic beverages license.

§13–2624.

At least one-half of the funds derived from a fundraiser for which a multiple gaming device permit has been issued under this part shall be used for a civic, charitable, or educational purpose.

§13–2625.

(a) A raffle conducted under a permit issued under this part may not last more than 1 year from the date the permit is issued to the date the last prize is awarded.

(b) The county commissioners may regulate the number of permits to conduct a raffle that an organization may receive in a year.

(c) A raffle is not a multiple gaming device.

§13–2626.

(a) (1) (i) A fundraiser conducted under this part shall be managed and operated only by members of the organization that receives the permit for the fundraiser.

(ii) A person may not be compensated for the management or operation of any gaming activity authorized by the permit.

(2) Each organization that receives a permit for a fundraiser under this part shall designate an individual who is responsible for complying with the terms and conditions of the permit and this part.

(b) An organization that receives a permit for a fundraiser under this part shall conduct the fundraiser in:

(1) a structure that is owned, leased, or occupied by the organization;

(2) a structure that is owned, leased, or occupied by an organization that would qualify for a permit under § 13-2621 of this subtitle; or

(3) a public location that is described in the permit application and approved by the State's Attorney for the county.

§13–2627.

Within 30 days after a fundraiser conducted under this part, the organization that received the permit for the fundraiser shall submit to the county commissioners:

(1) an accounting of all funds received or pledged;

(2) an accounting of all expenses paid or incurred; and

(3) a statement under oath of the application of the net profits.

§13–2628.

(a) A person who violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(b) Each day on which a violation of this part occurs is a separate violation.

§14–101.

(a) In this section, "crime of violence" means:

(1) abduction;

(2) arson in the first degree;

(3) kidnapping;

(4) manslaughter, except involuntary manslaughter;

(5) mayhem;

(6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;

(7) murder;

(8) rape;

(9) robbery under § 3–402 or § 3–403 of this article;

(10) carjacking;

(11) armed carjacking;

(12) sexual offense in the first degree;

(13) sexual offense in the second degree;

(14) use of a firearm in the commission of a felony except possession with intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or other crime of violence;

(15) child abuse in the first degree under § 3–601 of this article;

(16) sexual abuse of a minor under § 3–602 of this article if:

(i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and

(ii) the offense involved:

1. vaginal intercourse, as defined in § 3–301 of this article;

2. a sexual act, as defined in § 3–301 of this article;

3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or

4. the intentional touching of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

(17) home invasion under § 6–202(b) of this article;

(18) a felony offense under Title 3, Subtitle 11 of this article;

(19) an attempt to commit any of the crimes described in items (1) through (18) of this subsection;

(20) continuing course of conduct with a child under § 3–315 of this article;

(21) assault in the first degree;

(22) assault with intent to murder;

(23) assault with intent to rape;

(24) assault with intent to rob;

(25) assault with intent to commit a sexual offense in the first degree; and

(26) assault with intent to commit a sexual offense in the second degree.

(b) (1) Except as provided in subsection (f) of this section, on conviction for a fourth time of a crime of violence, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence shall be sentenced to life imprisonment without the possibility of parole.

(2) Notwithstanding any other law, the provisions of this subsection are mandatory.

(c) (1) Except as provided in subsection (f) of this section, on conviction for a third time of a crime of violence, a person shall be sentenced to imprisonment for the term allowed by law but not less than 25 years, if the person:

(i) has been convicted of a crime of violence on two prior separate occasions:

1. in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion; and

2. for which the convictions do not arise from a single incident; and

(ii) has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.

(2) The court may not suspend all or part of the mandatory 25–year sentence required under this subsection.

(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4–305 of the Correctional Services Article.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, on conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

1. has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and

2. served a term of confinement in a correctional facility for that conviction.

(ii) The court may not suspend all or part of the mandatory 10–year sentence required under this paragraph.

(2) (i) On conviction for a second time of a crime of violence committed on or after October 1, 2018, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

1. has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 2018; and

2. served a term of confinement in a correctional facility for that conviction.

(ii) The court may not suspend all or part of the mandatory 10–year sentence required under this paragraph.

(iii) A person sentenced under this paragraph is not eligible for parole except in accordance with the provisions of § 4–305 of the Correctional Services Article.

(e) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

(f) (1) This subsection does not apply to a person registered or eligible for registration under Title 11, Subtitle 7 of the Criminal Procedure Article.

(2) A person sentenced under this section may petition for and be granted parole if the person:

(i) is at least 60 years old; and

(ii) has served at least 15 years of the sentence imposed under this section.

(3) The Maryland Parole Commission shall adopt regulations to implement this subsection.

§14–102.

(a) Subject to subsection (b) of this section, if a law sets a maximum and a minimum penalty for a crime, the court may impose instead of the minimum penalty a lesser penalty of the same character.

(b) This section does not affect:

(1) a maximum penalty fixed by law; or

(2) the punishment for any crime for which the statute provides one and only one penalty.

§14–103.

Any claim to dispensation from punishment by benefit of clergy is abolished.

§14–104.

(a) A person may not commit a crime of violence, as defined in § 14–101 of this title, against another person when the person knows or believes that the other person is pregnant.

(b) A person who violates this section is guilty of a felony and, in addition to any other penalty imposed for the underlying crime of violence, on conviction is subject to imprisonment not exceeding 10 years.

(c) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.